
2024 PERIODIC REVIEW REPORT

for

23-01 42nd Road
Long Island City, New York 11101
NYSDEC BCP Site No. C241152

Prepared For:

One QPS Owner, LLC
299 Park Avenue, 35th Floor
New York, New York 10171

Prepared By:

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
368 Ninth Avenue, 8th Floor
New York, New York 10001

30 April 2025
100738801

LANGAN

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	General	1
1.2	Site Summary	1
1.3	Effectiveness of the Remedial Program	2
1.4	Compliance with the Site Management Plan	2
1.5	Recommendations.....	2
2.0	SITE OVERVIEW	3
2.1	Site Location	3
2.2	Site Background.....	3
3.0	IC/EC PLAN COMPLIANCE REPORT	4
3.1	IC/EC Components	4
3.1.1	Engineering Controls	4
3.1.2	Institutional Controls	4
3.2	Goal Status and Corrective Measures	5
3.3	Conclusions and Recommendations	5
4.0	MONITORING PLAN COMPLIANCE REPORT	6
4.1	Monitoring Plan Components.....	6
4.2	Summary of Monitoring Completed	6
4.2.1	SMD System Maintenance	6
4.2.2	SMD System Inspection	6
4.2.3	Composite Cover System Inspection.....	6
4.2.4	Annual Site-Wide Inspection	7
4.3	Monitoring Deficiencies.....	7
4.4	Conclusions and Recommendations	7

5.0	OPERATION AND MAINTENANCE (O&M) PLAN COMPLIANCE REPORT	8
5.1	O&M Plan Components.....	8
5.2	SMD System O&M Activities	8
5.2.1	Evaluation of the SMD System	8
5.3	O&M Deficiencies.....	8
5.4	Conclusions and Recommendations	8
6.0	OVERALL CONCLUSIONS AND RECOMMENDATIONS.....	9
6.1	SMP Compliance.....	9
6.2	Remedy Performance Evaluation	9
6.2.1	SMD System	9
6.2.2	Composite Cover System	9
6.2.3	IC Components	9
6.3	Future Submittals	9
7.0	DER-31 GREEN REMEDIATION EVALUATION	10
7.1	Waste Generation	10
7.2	Energy Usage	10
7.3	Emissions	10
7.4	Water Usage.....	11
7.5	Land and/or Ecosystems.....	11
7.6	Goals for Site Management Activities in 2025.....	11
8.0	CERTIFICATION OF IC/ECS	12
8.1	IC/EC Certification Form.....	12
8.2	IC/EC Certification	13

FIGURES

- Figure 1 Site Location Map
- Figure 2 As-Built SMD System Layout Plan
- Figure 3 Composite Cover Layout Plan

APPENDICES

- Appendix A Environmental Easement
- Appendix B SMD System Inspection Checklist
- Appendix C Composite Cover System Inspection Checklist
- Appendix D Site-Wide Inspection Checklist
- Appendix E IC/EC Certification Form

\\Langan.com\data\PAR\data8\100738801\Project Data\Discipline\Environmental\Reports\PRRs\2024\Text\23-01 42nd Road - 2024 Periodic Review Report - 2025-04-30_DRAFT.docx

1.0 INTRODUCTION

1.1 General

Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan) prepared this Periodic Review Report (PRR) on behalf of One QPS Owner, LLC c/o The Carlyle Group for the property located at 23-01 42nd Road in Long Island City, New York (the site) for the 2024 certification period (31 March 2024 to 31 March 2025). This PRR was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved 31 March 2015 Site Management Plan (SMP) revised on 15 May 2015. A periodic review of all institutional controls and engineering controls (IC/ECs) and a site evaluation are required to fulfill the 19 October 2015 Certificate of Completion for the site, which acknowledges that the applicable remediation requirements set forth in the New York State Environmental Conservation Law (ECL) have been achieved to the satisfaction of the NYSDEC Commissioner, pursuant to the 4 October 2013 Brownfield Cleanup Agreement (BCA) Index No. C241152-09-13 (NYSDEC Brownfield Cleanup Program [BCP] Site No. C241152). Site remediation was performed in accordance with the 20 September 2013 Interim Remedial Measures Work Plan (IRMWP) and the May 2014 Remedial Action Work Plan (RAWP).

1.2 Site Summary

The site was used for manufacturing purposes from as early as 1947 and is located in an area of historical industrial use. From 1936 through 2006, the site was occupied by a one-story warehouse building and was used as a garage with associated underground storage tanks (UST). Historical uses of properties surrounding the site include a filling station, an auto repair shop, multiple garages, and lacquer spraying. One 550-gallon gasoline UST, one 550-gallon #2 fuel oil UST, one 630-gallon #2 fuel oil UST, and one 5,000-gallon heating oil aboveground storage tank (AST) were decommissioned and removed as part of IRMWP implementation. A 44-story residential apartment building with ground-floor amenity space occupies the entire lot. The building does not have a cellar.

Langan conducted subsurface investigations between November 2012 and November 2013. The investigations were documented in the November 2013 Remedial Investigation Report (RIR) 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	Trichloroethene (TCE)

- The contaminants of concern exceeded the applicable Standards, Criteria, and Guidance (SCG) for soil, groundwater and/or soil vapor.
- Polycyclic aromatic hydrocarbons (PAH) were detected in historic fill primarily in the western and southeastern portions of the site. Metals were detected in historic fill primarily in the northwestern portion of the site.
- Benzene was detected in groundwater samples from two wells in the southeastern portion of the site near the 550-gallon gasoline UST, but has not migrated off-site.
- TCE was detected in soil vapor and was attributed to migration from the northern-adjointing property that is being addressed pursuant to a separate BCA.

As discussed in Section 2.2, remediation was completed in 2014 and a Certification of Completion for the site was issued in October 2015. Site Management has been conducted in accordance with the approved SMP subsequent to that date.

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 Institutional and Engineering Controls (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 Queens Borough Tax Map. The rectangular site is situated on an about 0.343-acre parcel bound by a four-story building to the north, 24th Street to the east, 42nd Road to the south, and 23rd Street to the west. A site location map is shown on Figure 1.

2.2 Site Background

Interim remedial measures (IRM) were implemented between 13 November 2013 and 12 June 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 SMD system;
- An environmental easement with ICs; and,
- Ongoing implementation of an SMP to ensure the performance, effectiveness, and protectiveness of the IC/ECs.

With the exception of the installation of above-grade components of the SMD system, remedial activities were completed as of October 2014. NYSDEC issued a Certificate of Completion on 19 October 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 27 and 30 January 2017, respectively. The New York City Department of Buildings (NYCDOB) issued a Certificate of Occupancy for floors 1 to 44 effective 7 February 2017.

3.0 IC/EC PLAN COMPLIANCE REPORT

IC/ECs are required to protect human health and the environment from remaining contaminated soil, groundwater, and soil vapor beneath the site. 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. As-built SMD system and composite cover layout plans are shown on Figures 2 and 3, respectively.

3.1.1 Engineering Controls

3.1.1.1 Composite Cover System

Exposure to remaining contamination in soil and historic fill material is prevented by a composite cover system placed over the site. This cover system is comprised of a minimum 14-inch-thick 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 high-density polyethylene (HDPE) piping placed in an 8-inch-thick layer of clean $\frac{3}{4}$ -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 included in 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 New York State Department of Health (NYSDOH) or New York City Department of Health (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. No changes to the SMP are recommended at this time.

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, SMD system inspections are conducted annually.
- An annual inspection of the composite cover system
- An annual site-wide inspection
- SMD system maintained, as needed

4.2 Summary of Monitoring Completed

4.2.1 SMD System Maintenance

No SMD system maintenance was performed during this reporting period.

4.2.2 SMD System Inspection

An annual inspection of the SMD system was conducted on 19 February 2025. The SMD system inspection confirmed that the system was operational and functioning within the design criteria and the manufacturer's specifications for the certification period. The inspection confirmed that the system was operational and the alarm notification system was successfully tested. The SMD system inspection form is included in Appendix B.

4.2.3 Composite Cover System Inspection

The annual composite cover system inspection was conducted on 19 February 2025. 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 that included the breaching of the site cover system was observed during the certification period. Two cracks observed in walls within the lowest level of the building were caulked to prevent airflow.

A composite cover system inspection form is included in Appendix C.

4.2.4 Annual Site-Wide Inspection

The annual site-wide inspection was conducted on 19 February 2025. This consisted of spot inspections of all ECs and verification of ICs. Two cracks observed in walls within the lowest level of the building were caulked to prevent airflow.

All IC/EC components inspected were functioning in compliance with the SMP and the site remains occupied with residential tenants. 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.

4.4 Conclusions and Recommendations

No changes to the SMP are recommended at this time.

5.0 OPERATION AND MAINTENANCE (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

The annual inspection consisted of documenting the accessible, above-grade components of the SMD system, testing the system alarm, inspecting the inlet filter, documenting air flow at the discharge point, and documenting the vacuum gauge readings. SMD system maintenance is described in Section 4.2.1.

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 annual inspection indicated effective performance of the mitigation system.

5.3 O&M Deficiencies

No O&M deficiencies were identified during the inspection.

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

The SMD system continues to operate 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 2024 certification period, 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 DER-31 GREEN REMEDIATION EVALUATION

The NYSDEC DER-31 Green Remediation Policy requires that green remediation concepts and techniques be considered during all stages of the remedial program (including site management), with the goal of improving the sustainability of the cleanup and summarizing the net environmental benefit of any implemented green technology. This section provides a discussion and evaluation of environmental impacts associated with site management activities for the site during the 2024 to 2025 reporting period, and a summary of green remediation goals for the 2025 to 2026 reporting period.

Green remediation principles and techniques were implemented to the extent feasible in the site management phase of the remedy as per DER-31. The green remediation components evaluated were as follows:

- Waste Generation
- Energy Usage
- Emissions
- Water Usage
- Land and/or Ecosystems

7.1 Waste Generation

Waste generation considers the management of waste associated with site management activities and any waste reduction projects including, but not limited to, material reuse and recycling. For the annual inspections, minimal to no waste was generated and electronic means of data collection (i.e., tablets) were used to reduce paper consumption.

7.2 Energy Usage

Energy usage considers the electrical usage for operation of SMD system and site lighting needed for OM&M activities. The SMD system is powered using the municipal grid, and therefore are subject to local energy supply means. Annual energy usage is summarized in Table 7.5.

7.3 Emissions

Emissions tracking considers fuel usage for transportation to and from the site for inspections. Fuel usage is required for transportation of personnel to and from the site, and transportation associated with screening/sampling equipment. During the 2023 to 2024 reporting period,

personnel used public transportation to and from the site and in-house equipment was used so a courier was not needed. Annual emissions are summarized in Table 7.5.

7.4 Water Usage

Water usage considers sources of water for tasks such as decontamination, irrigation, etc. No water was used during the annual site inspections.

7.5 Land and/or Ecosystems

Land and/or ecosystems considers any disturbances and restoration of land and/or ecosystems as part of the implementation/operation of the remedy. No disturbances or restoration of land and/or ecosystems are required as part of site management activities.

Table 7.5: Annual Environmental Analysis

Item	Estimated Power Usage (kWh)	Estimated Carbon Footprint (metric tons CO ₂ e)	Comment
SMD System Blower	8,200	1.78	Airtech 3b1530 Regenerative Blower
Equipment	70	0.02	Velocicalc
Transit to/from site Inspection	N/A	N/A	Public Transit
Computer Usage	0.5	0.016	Field Preparation, Reporting

7.6 Goals for Site Management Activities in 2025

While future development associated with the site's remedial program is not anticipated, goals for the project to incorporate green remediation principles and techniques include:

- Off-set energy consumption with energy collected from sustainable technology (i.e. solar panels, wind turbines, etc.)
- Personnel will continue to utilize public transportation to and from the site when possible during annual site-wide inspections to reduce emissions;
- Langan equipment will be used when possible to eliminate the need for an equipment courier; and
- Tracking of detailed green remediation components to generate an environmental footprint analysis for the 2025 to 2026 reporting period.

Langan will continue to evaluate green remediation concepts and techniques for inclusion in site management, with the goal of improving the sustainability of the cleanup and site management activities.

8.0 CERTIFICATION OF IC/ECS

8.1 IC/EC Certification Form

The completed IC/EC Certification Form is presented in Appendix E.

8.2 IC/EC Certification

I, Ronald D. Boyer, 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 herein is punishable as Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.



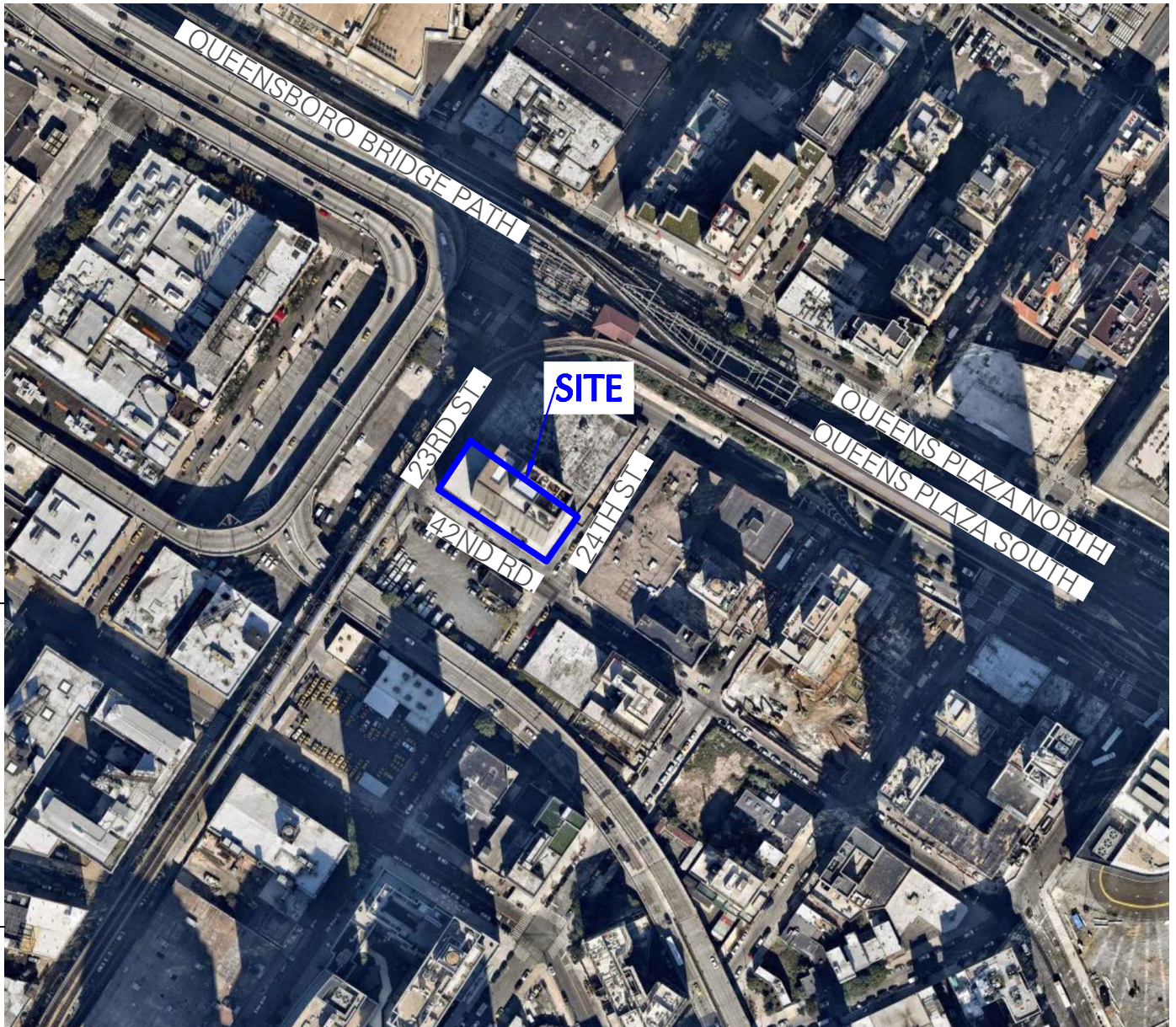
085831-1
New York State Professional Engineer No.

4/30/2025
Date

Ronald D. Boyer
Signature

It is a violation of Article 130 of 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

21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001
T: 212.479.5400 F: 212.479.5444 www.langan.com
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.
100738801

Date
02/14/2017

Scale
NTS

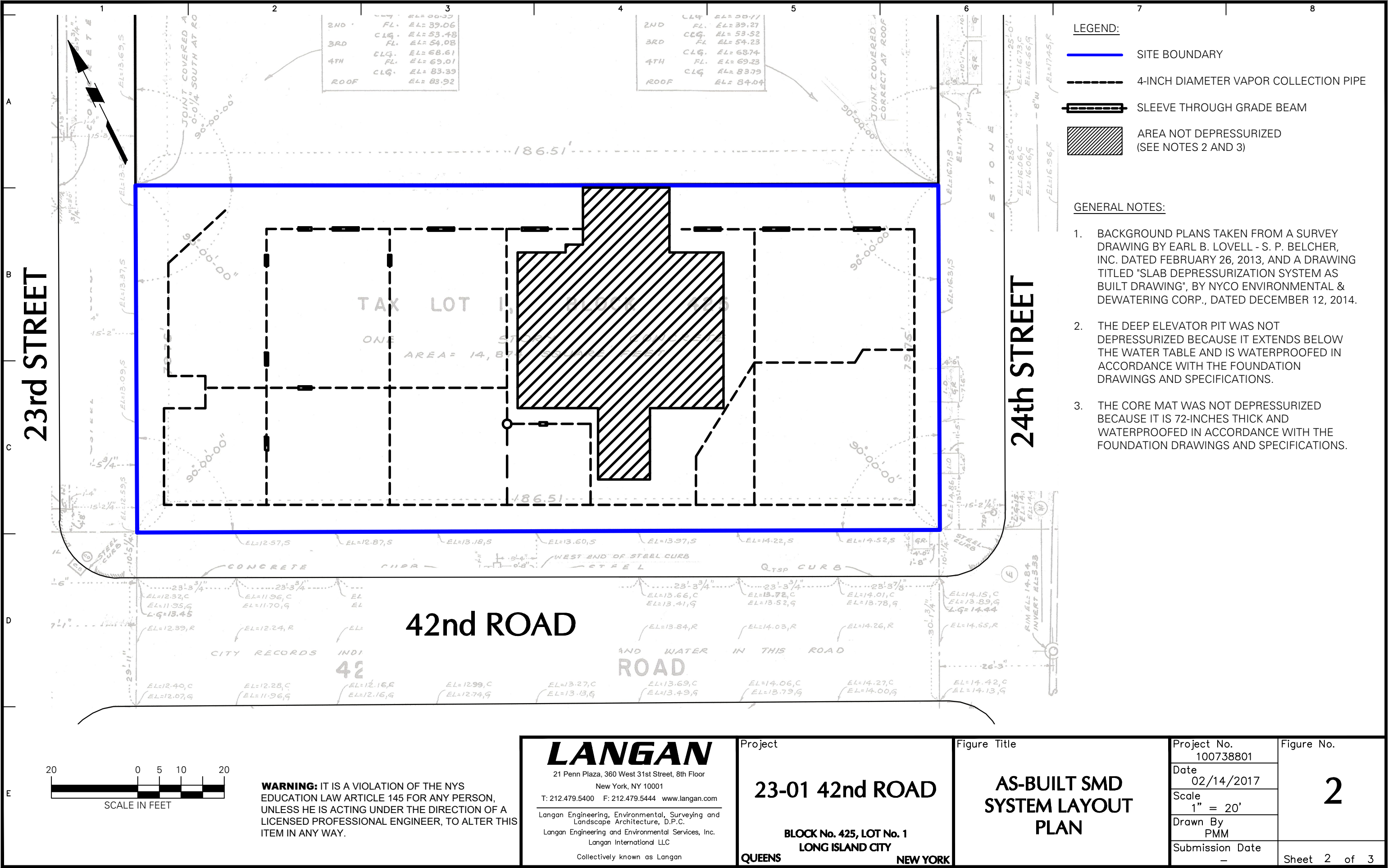
Drawn By
VDP

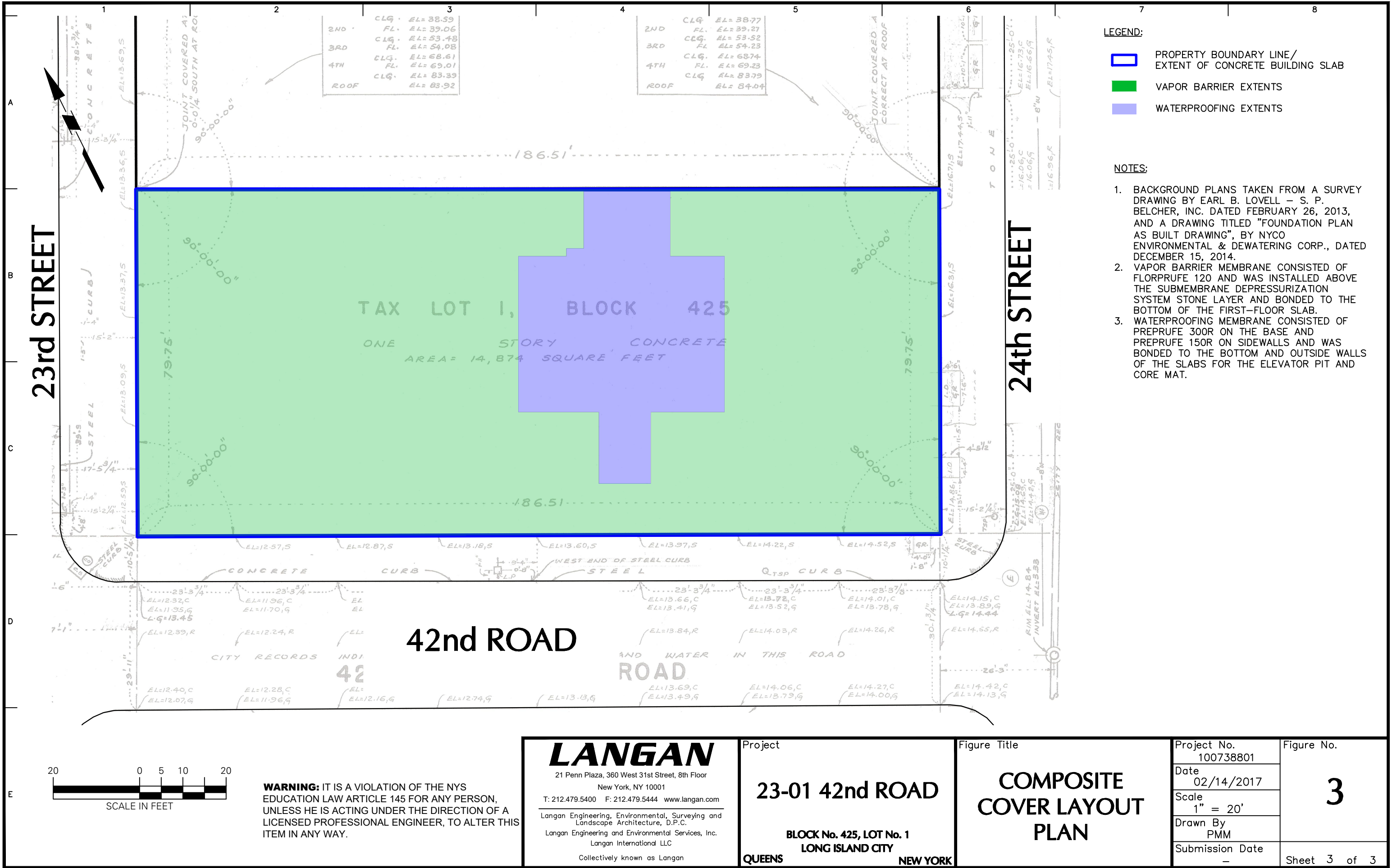
Submission Date
-

Figure No.

1

Sheet 1 of 3





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.

Below summarizes the status of the document(s).

Recording & Endorsement Cover Page(s) attached

2015082401131001

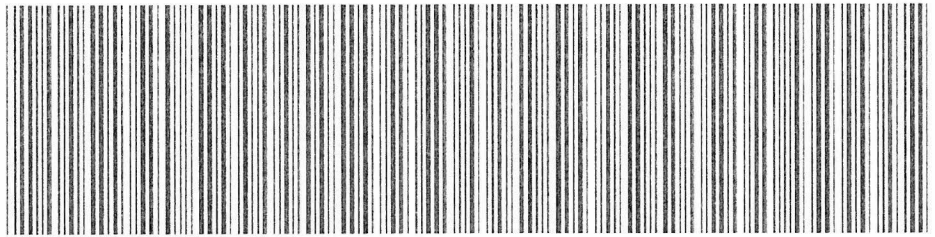
If you have questions or require further information, please send an email to acrishelp@finance.nyc.gov and someone will get back to you.

Thank you.

City Register

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

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2015082401131001002E3B81

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 10

Document ID: 2015082401131001

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

RECORDED OR FILED IN THE OFFICE

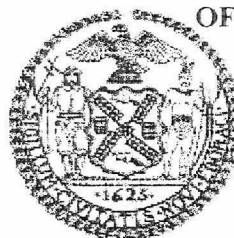
OF THE CITY REGISTER OF THE

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)

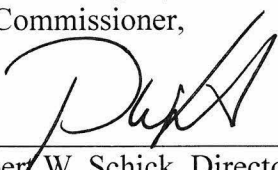
On the 30TH day of JUNE, in the year 2015, before me, the undersigned, personally appeared KEVIN MALONEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they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

SMD SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 100738801

Inspector Name: Pepper Greenley Date: 2/19/2025 Weather Conditions: Clear, 18-31 F

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

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?		x		Y	A digital copy of the Operations & Maintenance (O&M) Plan was provided on 4/1/2024.
2	Based on site records, when was the last inspection, maintenance, or repair event?			x	NA	1/23/2024
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.		x		N	
	Alarm System					
4	Do the alarm lights indicate that the system is operational?	x			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?		x		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?			x	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?			x	NA if N to 5/ Y if Y to 5	
8	Does all visible SMD piping appear intact and undamaged?	x			Y	
9	Have any intake points been constructed at the roof near (less than 10 feet) the SMD blower discharge point?		x		N	
	SSD Blower Unit					
10	Is the SMD blower operational at the time of the inspection?	<input checked="" type="checkbox"/>			Y	
11	What is the VelociCalc Meter reading?			<input checked="" type="checkbox"/>	NA	100.5 CFM
12	Is the SMD blower expelling air at the discharge point?	<input checked="" type="checkbox"/>			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 SMD System located in first floor, blower located in mechanical room in 4th floor, discharge point located in 9th floor patio.
2. Blower vacuum gauge range: 9 inches of water column

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: 100738801

Inspector Name: Pepper Greenley Date: 2/19/2025 Weather Conditions: Clear, 18-31 F

Reason for Inspection (i.e., routine, severe condition, etc.): Routine Site Inspection

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?			X	NA	Site occupied by residential tenants, no evidence of construction activity.
	Impermeable Cap					
2	Are there any indications of a breach in the capping system at the time of this inspection?		X		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?		X		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?			X	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:

Two cracks observed in walls within the lowest level of the building were caulked to prevent airflow.

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: 100738801

Inspector Name: Pepper Greenley Date: 2/19/2025 Weather Conditions: Clear, 18-31 F

Reason for Inspection (i.e., routine, severe weather condition, etc.): Routine Site Inspection

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?			x	NA	Site occupied by residential tenants, no evidence of construction activity.
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?	x			Y	
	Environmental Easement					
3	Has site use (restricted residential) remained the same?	x			Y	
4	Does it appear that all environmental easement restrictions have been followed?	x			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?		X		N	
6	Are there any cracks in the building slabs?		x		N	
7	Are there any cracks in the building walls?	X			N	See remarks
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?		x		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?			x	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:

Two cracks observed in walls within the lowest level of the building were caulked to prevent airflow.

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.

APPENDIX E

ICEC Certification Form



2/11/2025

Jason Hart
one qps Owner, LLC
c/o the carlyle Group
299 Park avenue, 35th floor
New York, NY 10171
JASON.HART@CARLYLE.COM

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 Jason Hart:

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 **April 30, 2025**. 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.

All site-related documents and data, including the PRR, must be submitted in electronic format to the Department of Environmental Conservation. The required format for documents is an Adobe PDF file with optical character recognition and no password protection. Data must be submitted as an electronic data deliverable (EDD) according to the instructions on the following webpage:

<https://www.dec.ny.gov/chemical/62440.html>

Documents may be submitted to the project manager either through electronic mail or by using the Department's file transfer service at the following webpage:

<https://fts.dec.state.ny.us/fts/>

The Department will not approve the PRR unless all documents and data generated in support of the PRR have been submitted using the required formats and protocols.

You may contact Michael Sollecito, the Project Manager, at 518-402-2198 or michael.sollecito@dec.ny.gov with any questions or concerns about the site. Please notify the project manager before conducting inspections or field work. You may also write to the project manager at the following address:

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

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

ec: w/ enclosures

One Qps Owner L.L.C. - susan.charles@troutman.com

ec: w/ enclosures

Michael Sollecito, Project Manager
David Gardner, Section Chief
Jane O'Connell, Hazardous Waste Remediation Supervisor, Region 2
Langan Engineering - Paul McMahon - PMcMahon@Langan.com

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: 0.342

Reporting Period: March 31, 2024 to March 31, 2025

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 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?

☐ YES ☒ NO

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)

☒ YES ☐ NO

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**

One QPS Owner L.L.C.

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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The 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 Jason Hart at The Carlyle Group, 1 Vanderbilt Avenue, New York, NY 10017,
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.

Signed by:
Jason Hart 4/24/2025
10784EAA0A6246E...
Signature of Owner, Remedial Party, or Designated Representative Date
Rendering Certification

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 Steven Ciambuschini at Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
368 Ninth Avenue, 8th Floor
New York, NY 10001,
print name print business address

am certifying as a Qualified Environmental Professional for the One QPS Owner, LLC
(Owner or Remedial Party)

 Stamp 4/30/2025
Signature of Qualified Environmental Professional, for Date
the Owner or Remedial Party, Rendering Certification (Required for PE)

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.