
2022-2023 PERIODIC REVIEW REPORT

for

**44-30 PURVES STREET
Long Island City, New York
NYSDEC BCP Site No. C241162**

Prepared For:

**Gotham Organization, Inc.
432 Park Avenue South, 2nd Floor
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Prepared By:

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**October 2023
170282502**

LANGAN

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- Appendix D SMD System Inspection Form
- Appendix E Annual Site-Wide Inspection Form
- Appendix F Institutional and Engineering Controls Certification Form

1.0 INTRODUCTION

1.1 General

This Periodic Review Report (PRR) was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved October 21, 2015 Site Management Plan (SMP) and Section 6.3 of NYSDEC Division of Environmental Remediation (DER)-10 Technical Guidance for Site Investigation and Remediation. The certification period for this PRR is September 30, 2022 through September 30, 2023. A periodic review of all institutional and engineering controls (IC/ECs) and a site evaluation are required for fulfillment of the remedial action at 44-30 Purves Street (the site) under the Brownfield Cleanup Program (BCP), which is administered by the NYSDEC. The site was accepted into the BCP (Site No. C241162) and a Brownfield Cleanup Agreement (BCA), Index No. C241162-06-14, was executed on June 12, 2014. Site remediation was performed in accordance with the December 7, 2014 Remedial Action Work Plan (RAWP). NYSDEC issued a Certificate of Completion for the site on December 21, 2015.

1.2 Site Description

The site is located at 44-30 Purves Street in the Long Island City neighborhood of Queens, New York and is identified as Block 268, Lot 1 on the New York City Tax Map. The irregularly-shaped, 0.62-acre site is bound by Purves Street to the east, a 10-story residential building to the southeast (Lot 31), Thomson Avenue to the southwest, 44th Drive to the west, and a 27-story residential building to the north (Lot 4). A site location map is included as Figure 1.

The site is improved with a 35-story residential building with frontage along Purves Street, a two-story building with residences, residential amenity space and retail along Thomson Avenue and 44th Drive, and an open, partially-paved and partially-landscaped courtyard. A ventilated parking garage spans an area of about 11,000 square feet in the lowest level of the building along Thomson Avenue and 44th Drive.

1.3 Site Background and Environmental History

The site is within a historically industrial area of Long Island City, Queens and was used for manufacturing purposes as early as the 1940s, including a chemical laboratory, automobile repair, private garage, controller and fine chemicals manufacturing, and welding and repair services. Several environmental investigations and reports were completed between April 2006 and September 2014: April 2006 Phase I Environmental Site Assessment (ESA), November 2006 Phase II Environmental Site Investigation (ESI), December 2011 Phase I ESA, and September 2014 Remedial Investigation Report (RIR).

A summary of investigation findings for each report is provided in the 2014 RIR. The conclusions of the investigation reports are summarized as follows:

- Two underground storage tanks (USTs) are shown on the 1947 and 1950 Sanborn maps. Petroleum impacts identified in soil were attributed to the suspected USTs.
- A variable site-wide historic fill layer was present up to 11 feet thick and contained semivolatile organic compound (SVOC), pesticide, polychlorinated biphenyl (PCB), and metal concentrations that exceeded RURR SCOs¹.
- Tetrachloroethene (PCE) and trichloroethene (TCE) were detected in groundwater at concentrations exceeding NYSDEC SGVs².
- PCE and TCE were detected in soil vapor throughout the site.
- On-site PCE and TCE impacts to soil vapor and groundwater were attributed to an off-site source.

1.4 Summary of Remedial Action

A Track 4 remediation was implemented in accordance with the NYSDEC-approved November 7, 2014 RAWP between March 16 and October 30, 2015. A detailed account of the remedy is provided in the November 13, 2015 Final Engineering Report (FER), and is summarized as follows:

- Excavation and off-site disposal of hazardous lead-impacted historic fill, petroleum-impacted material, and contaminated nonhazardous historic fill material exceeding the Track 4 Site-Specific SCOs to depths of 4.5 to 7 feet below grade surface (bgs) throughout the site and to about 8 feet bgs for elevator pits and one UST excavation
- Decommissioning, closure, and removal of four USTs (including two previously unknown USTs) and collection and analysis of endpoint soil samples for each UST location
- Collection and analysis of documentation soil samples from the base of the excavation and the perimeter sidewalls, in accordance with NYSDEC DER-10
- Backfilling excavations to development grade with recycled concrete aggregate (RCA) and 3/4-inch virgin crushed stone

¹ RURR SCOs = Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) NYSDEC Part 375 Restricted Use Restricted-Residential (RURR) Soil Cleanup Objectives (SCOs).

² NYSDEC SGVs = NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs).

For contaminated soil remaining after remediation, the following controls were implemented:

Engineering Controls (ECs)

- Composite cover system, consisting of: (1) 10-inch-thick reinforced concrete building slabs above a vapor barrier/waterproofing membrane, (2) concrete pavement, and (3) two feet of clean stone above a demarcation barrier in landscaped areas
- Installation and operation of a sub-membrane depressurization (SMD) system, under portions of the site building that are not used as a mechanically-ventilated parking garage, to mitigate potential volatile organic compound (VOC) vapor intrusion into the building

Institutional Controls (ICs)

- Execution of an Environmental Easement
- Implement, maintain and monitor the ECs
- Prevent exposure to residual soil contaminants by controlling any disturbance below the composite cover through an SMP
- Limit the use and development of the site to restricted-residential, commercial and industrial uses only

With the exception of installation of the above-slab portions of the SMD system, remedial activities were completed as of October 30, 2015. Above-slab portions of the SMD system were completed during the balance of building construction. The building is complete and has a NYC-issued certificate of occupancy.

1.5 Effectiveness of the Remedial Program

The remedial program was designed to eliminate or mitigate environmental and human health exposure to adverse environmental conditions still present in soil, groundwater, and soil vapor. The ICs and ECs for the certification period meet the remedial objectives for the site.

1.6 Compliance

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

1.7 Recommendations

No changes to the SMP are recommended at this time.

2.0 IC/EC PLAN COMPLIANCE REPORT

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

2.1 IC/EC Components

The following summarizes IC/ECs implemented at the site:

- Operation and maintenance of the SMD system, installed under portions of the site building that are not used as a mechanically-ventilated parking garage, to mitigate potential VOC vapor intrusion into the building. The parking garage is ventilated in accordance with the New York City Mechanical Code. The SMD layout plan is shown on Figure 2.
- Maintenance of a composite cover system to prevent human exposure to residual contaminated soils remaining under site structures. The location and components of the composite cover are shown on Figure 3.
- The site may be used for restricted-residential use as described in 6 NYCRR Part 375-1.8(g)(2)(iii), commercial use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and industrial use as described in 6 NYCRR Part 375-1.8(g)(2)(iv).
- All ECs must be operated, maintained, and inspected as specified in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health (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 NYSDEC.
- All future activities on the property that will disturb residual contaminated material must be conducted in accordance with the SMP.
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.
- 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 ensure compliance with the restrictions identified by the Environmental Easement (included as Appendix A).

- The site shall not be used for unrestricted or residential uses as defined in 6 NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of the Environmental Easement.

2.2 Goal Status and Corrective Measures

The annual SMD system inspection was performed on May 17, 2023. The SMD system was observed to be operational and no deficiencies were noted during the inspection.

2.3 Conclusions and Recommendations

No additional modifications to the IC/ECs are proposed at this time.

3.0 MONITORING PLAN COMPLIANCE REPORT

3.1 Monitoring Plan Components

The components of the Monitoring Plan are as follows:

1. Annual inspection of the composite cover system;
2. Annual inspection of the SMD system and parking garage ventilation system; and
3. Annual site-wide inspection.

A comprehensive inspection was conducted on May 17, 2023 that included the three above-listed monitoring plan components. Site inspection photographs are provided in Appendix B. A summary of each inspection is presented in the following sections and the inspection forms detailing findings are provided in Appendices C, D, and E.

3.2 Summary of Monitoring Completed

3.2.1 Composite Cover System Inspection

The annual composite cover system was inspected on May 17, 2023, including a visual assessment for integrity of the site building slabs, pavers and stone in landscaped areas, and the sidewalk pavement along Purves Street. Damages and/or breaches to the composite cover system were not identified during the annual inspection events for the certification period. A composite cover system inspection form is included as Appendix C.

3.2.2 SMD System Inspection

Inspection of the SMD system was conducted on May 17, 2023. The SMD system 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 consistent with the design criteria. The SMD inspection form is included in Appendix D.

3.2.3 Annual Site-wide Inspection

The annual site-wide inspection was completed on May 17, 2023. This consisted of spot inspections of all ECs and verification of ICs. All IC/EC components inspected were in compliance with the SMP. Deviations or discrepancies were not observed. The completed site-wide inspection form is included as Appendix E.

3.3 Conclusions and Recommendations

No changes to the SMP are recommended at this time.

4.0 OPERATION & MAINTENANCE (O&M) PLAN COMPLIANCE REPORT

4.1 O&M Plan Purpose

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

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

4.2 SMD O&M Activities

SMD system inspections were performed following initial startup and testing, which was completed on March 6, 2018. Inspections consisted of documenting the accessible, above-grade components of the SMD system, recording flow readings, testing the system alarm, and documenting the vacuum gauge readings.

4.2.1 Evaluation of SMD System

The SMD system primary objective is to create a negative pressure under the floor slab and draw soil vapor to the two vacuum blowers located on the roof of the building, where the vapor is discharged to and diluted with the atmosphere. Based on the inspections, the SMD system is operational and functioning within the design criteria.

4.3 O&M Deficiencies

No deficiencies were identified during the May 17, 2023 site inspection. A paper copy of the O&M plan was not available at the site but the plan was accessible electronically.

4.4 Conclusions and Recommendations

No changes to the SMP are recommended at this time.

5.0 OVERALL CONCLUSIONS AND RECOMMENDATIONS

5.1 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.

5.2 Remedy Performance Evaluation

5.2.1 Composite Cover System

Conditions of the site building slabs and landscaped areas 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.

5.2.2 SMD System

The SMD system is operating as designed and is mitigating the potential exposure to soil vapor contaminants.

5.2.3 IC Components

All ICs were maintained during the certification period, and the Environmental Easement on the site remains in place.

5.3 Future Submittals

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

6.0 CERTIFICATION OF IC/ECS

6.1 IC/EC Certification Form

The completed IC/EC Certification Form is provided as Appendix F.

6.2 IC/EC Certification

I, Jason Hayes, P.E., of Langan, have been authorized and designated by the site owner to sign this certification for the site.

For each IC/EC identified for the site, I certify that to the best my knowledge all of the following statements are true:

- The inspection of the site to confirm the effectiveness of the IC/ECs required by the remedial program was performed under my direction;
- The IC/ECs employed at this site are unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- 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;
- Use of the site is compliant with the environmental easement;
- The engineering control systems are performing as designed and are effective;
- 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 in this report is accurate and complete.

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.

089491

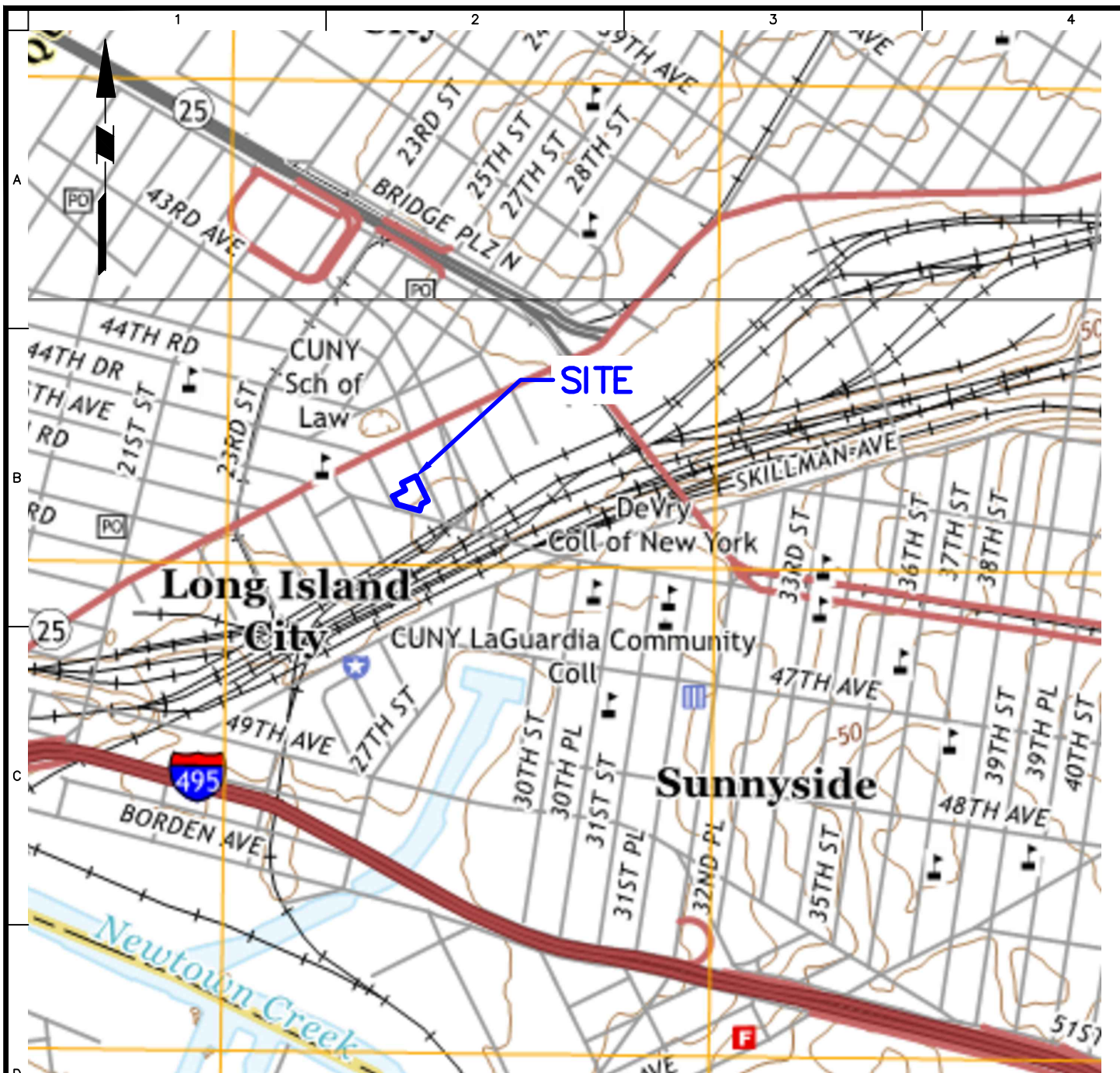
New York State Professional Engineer #

10/30/2023
Date



It is a violation of Article 145 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 145, New York State Education Law.

FIGURES



LEGEND:



SITE BOUNDARY

NOTES:

1. BASE MAP ADAPTED FROM UNITED STATES GEOLOGICAL SURVEY (USGS) 2016 7.5-MINUTE SERIES TOPOGRAPHIC MAP, CENTRAL PARK, NY-NJ AND BROOKLYN, NY.

1000 0 500 1000

SCALE: 1 INCH = 1000 FEET

LANGAN

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Project

44-30 PURVES STREET

BLOCK No. 268 LOT No. 1

QUEENS

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.

170282501

Date

04/27/2020

Drawn By

EMS

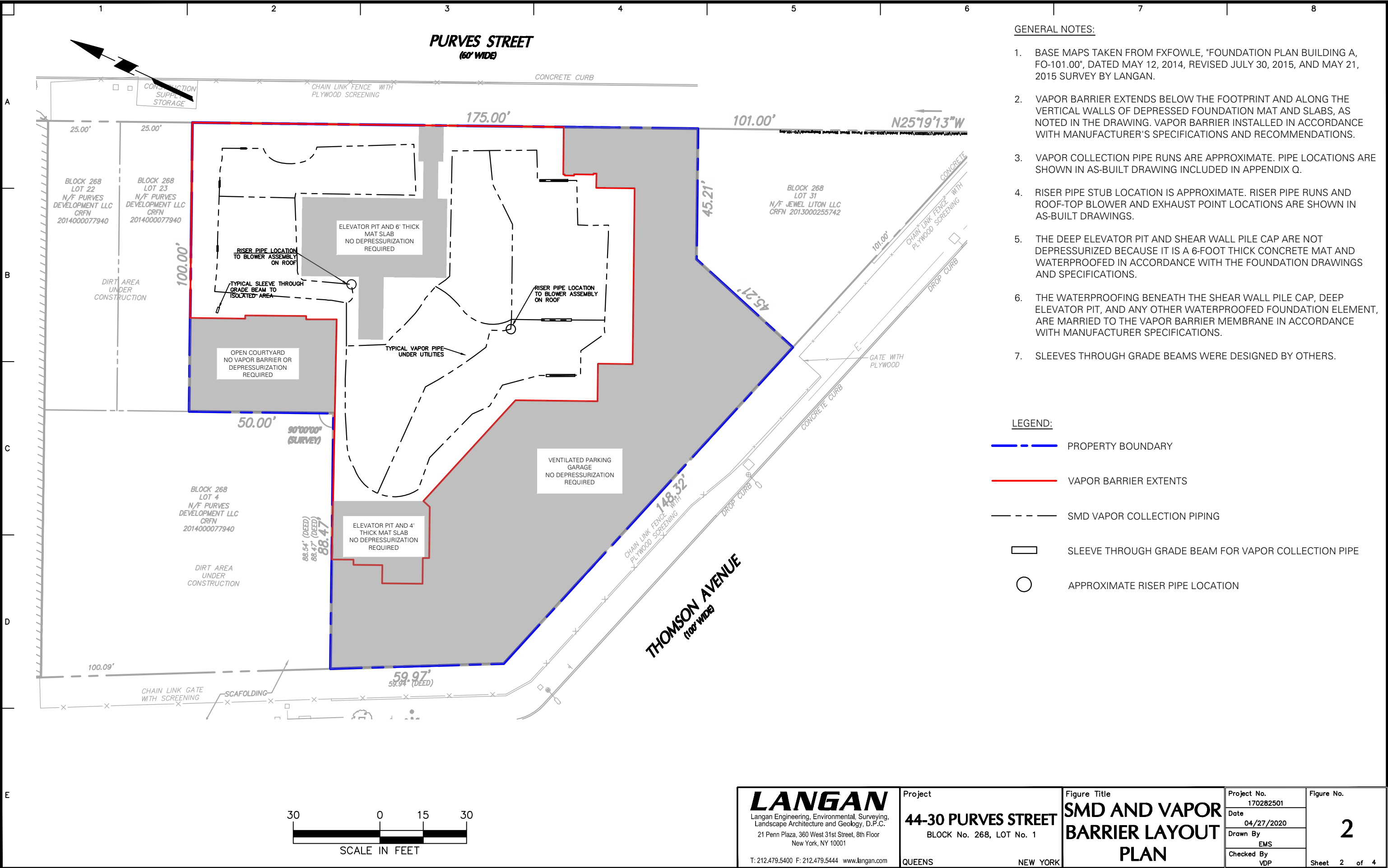
Checked By

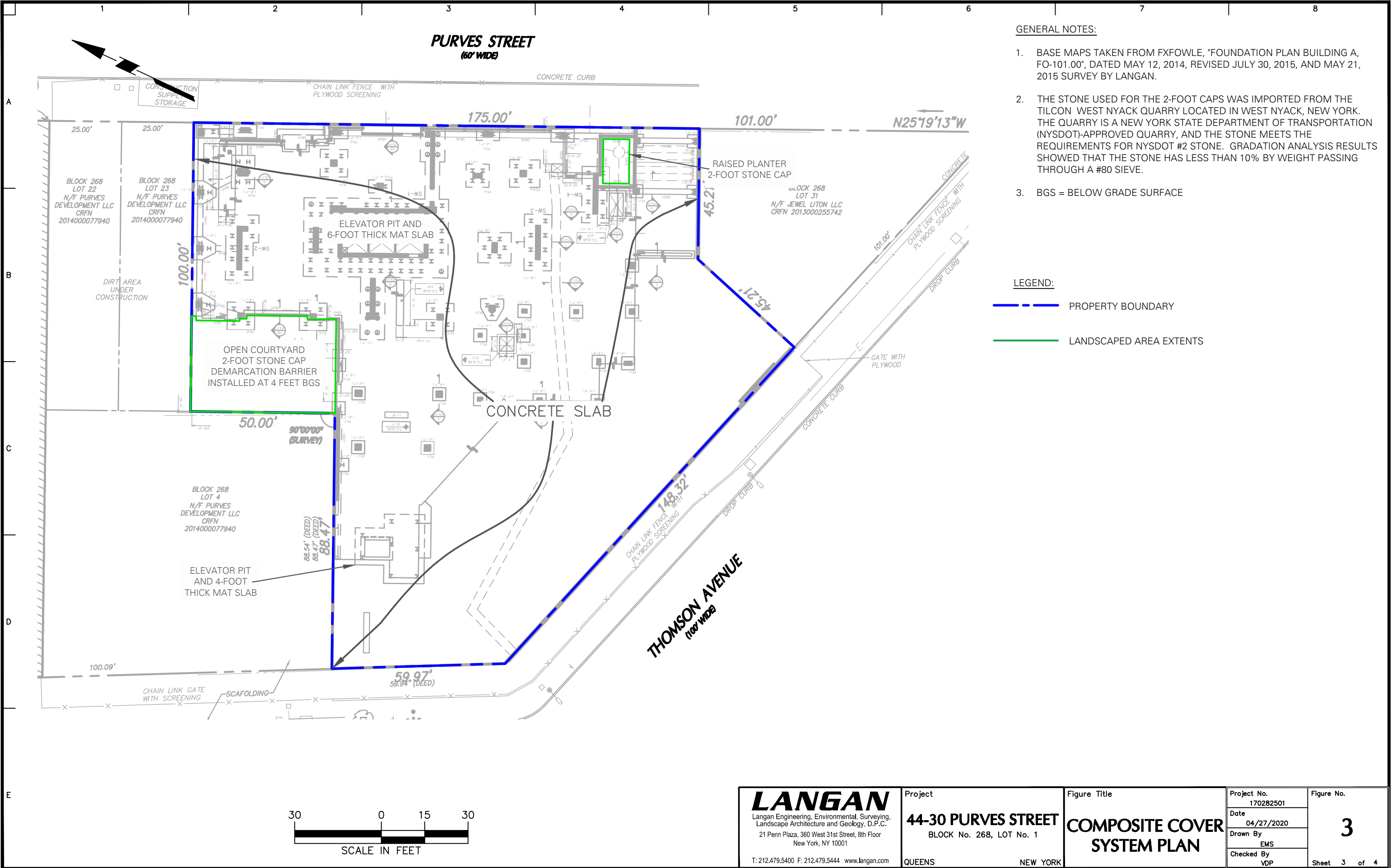
VDP

Figure No.

1

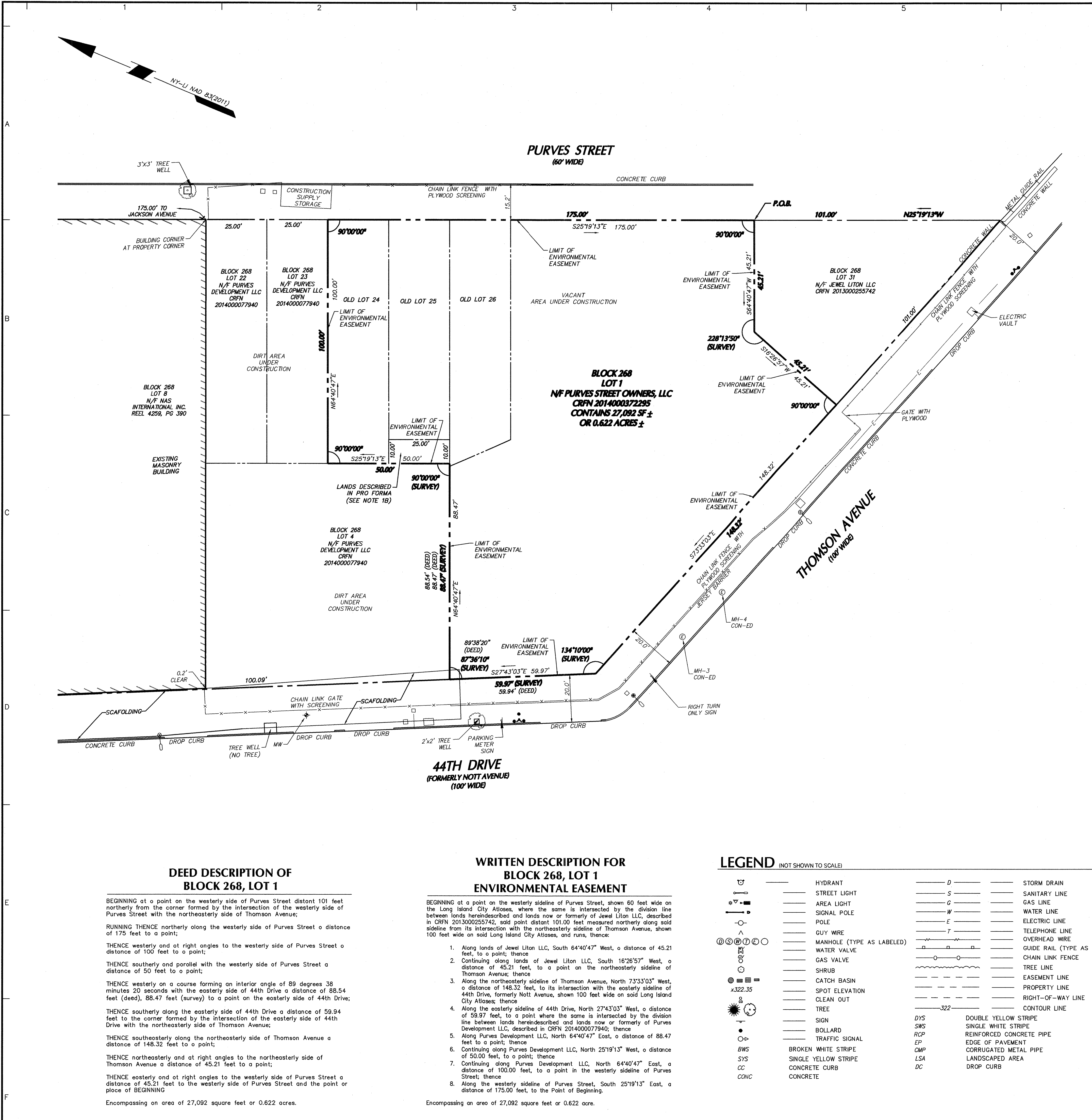
Sheet 1 of 4





APPENDIX A

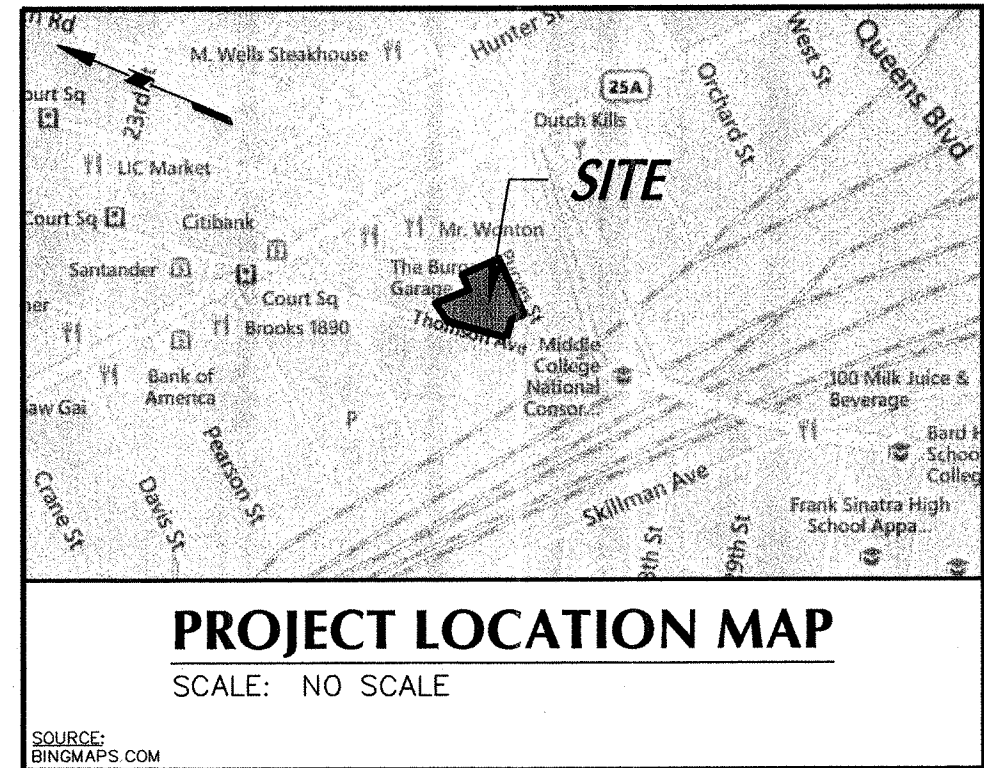
ENVIRONMENTAL EASEMENT



NOTES

- THIS SURVEY IS BASED UPON EXISTING PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE, AND THE FOLLOWING REFERENCES:
 - A. TITLE POLICY:**
PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
TITLE NUMBER: 901153
EFFECTIVE DATE: 6/20/2013

B. TITLE PRO FORMA:
PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
TITLE NUMBER: 905099
EFFECTIVE DATE: 10/17/2014
 - MAP ENTITLED "TOPOGRAPHIC & BOUNDARY SURVEY, BLOCK 268, LOT AS SHOWN, SECTION 2, COUNTY OF QUEENS" PREPARED BY APPLE SURVEYING AND DATED 04-11-2014.
 - MAP ENTITLED "SURVEY OF PROPERTIES SITUATED IN: 44-18/38 PURVES STREET, BOROUGH OF QUEENS, COUNTY OF QUEENS, CITY OF NEW YORK, STATE OF NEW YORK, TOPO SURVEY, SIDEWALK AND STREET ELEVATIONS, BLOCK 268, LOT 1, 4, 22, 23, 24, 25, 26" PREPARED BY FEHRINGER SURVEYING, P.C. AND DATED NOVEMBER 6, 2013.
 - MAP ENTITLED "LONG ISLAND CITY ATLAS MAPS, SHEET 14"
 - SURVEY OF BLOCK 268, LOT 4 IN THE BOROUGH OF QUEENS, CITY OF NEW YORK, QUEENS COUNTY, NY PREPARED BY GERALD T. O'BUCKLEY, DATED MAY 7, 2013.
 - MAP ENTITLED "TITLE SURVEY, TITLE NO. QUE 235739, BLOCK 268, LOT 1, 2, 4, 25, 26, SECTION 2, COUNTY OF QUEENS" PREPARED BY BIG APPLE LAND SURVEYORS, P.C. DATED JANUARY 04, 2005 AND LAST REVISED SEPTEMBER 30, 2005.
 - SURVEY OF BLOCK 268, LOTS 1, 2, 23, 24, 25 & 26, SECTION 2, COUNTY OF QUEENS" PREPARED BY AAA GROUP LAND SURVEYORS SERVICES DATED JANUARY 17, 2008.
 - THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE FOLLOWING FACTS AS REVEALED BY THE HEREON REFERENCED INFORMATION. THE INFORMATION SHOWN HEREON DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN ACCURATE AND CURRENT TITLE REPORT.
 - THE MERIDIAN OF THIS SURVEY IS REFERENCED TO NYS-LI NAD83 (2011) AS ESTABLISHED USING GPS METHODS.
 - STREET NAMES AND R.O.W. WIDTHS, BLOCK AND LOT NUMBERS AS PER MAPS REFERENCED IN NOTES 1C, 1D & 1E.
 - PLANIMETRIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM LAND SURVEYS BY LANGAN ENGINEERING, ENVIRONMENTAL, SURVEYING AND LANDSCAPE ARCHITECTURE, D.P.C. DURING MAY 2015.
 - AS PER THE "NEW YORK CITY PRELIMINARY FIRM DATA COMMUNITY PANEL NUMBER 36049702026." PANEL NOT PRINTED THE ENTIRE THE SUBJECT PROPERTY LIES WITHIN ZONE X SHADED, AN AREA OF 0.2% ANNUAL CHANCE FLOOD HAZARD.
 - OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED IN CONSTRUCTION OF ANY TYPE.
 - WETLANDS, ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, NOT COVERED UNDER THIS CONTRACT.
 - UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEWER INFORMATION (INCLUDING PIPE INVERT, PIPE MATERIAL, AND PIPE SIZE) WAS OBSERVED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLES/CATCH BASINS, ETC.). CONDITIONS CAN VARY FROM THOSE ENCOUNTERED AT THE TIMES WHEN AND THE LOCATIONS WHERE DATA WAS OBTAINED. DESPITE MEETING THE REQUIRED STANDARD OF CARE THE SURVEYOR CANNOT AND DOES NOT WARRANT THAT PIPE MATERIAL AND/OR PIPE SIZE THROUGHOUT THE PIPE RUN ARE THE SAME AS THOSE OBSERVED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES.
- ADDITIONAL UTILITY (WATER, GAS, ELECTRIC ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED SURFACE MARKINGS (BY OTHERS), EXISTING STRUCTURES, AND/OR FROM EXISTING DRAWINGS.
- UNLESS SPECIFICALLY NOTED HEREON THE SURVEYOR HAS NOT EXCAVATED TO PHYSICALLY LOCATE THE UNDERGROUND UTILITIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE SHOWN UNDERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SUITABLE FOR USE, NOR ARE IN THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.
- PRIOR TO ANY DESIGN OR CONSTRUCTION THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS
- UNLESS NOTED BELOW SUPPLEMENTAL DOCUMENTS WERE NOT USED TO COMPILE THE SUBSURFACE UTILITY INFORMATION SHOWN HEREON
- THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES ON THE PROPERTY AS SHOWN ON THIS SURVEY.
 - UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
 - THIS PLAN NOT VALID UNLESS EMBOSSED OR BLUE INK STAMPED WITH THE SEAL OF THE PROFESSIONAL.
 - THE PROPERTY IS SUBJECT TO A DECLARATION OF COMMON SEWER AND SITE CONNECTION RECORDED IN CRFN 2015000011044.



Date	Description	No.
REVISIONS		
SIGNATURE: <i>Robert J. Langan</i> PAID: <i>05/21/2015</i> DATE SIGNED: <i>05/21/2015</i>		
PROFESSIONAL LAND SURVEYOR NY Lic. No. 050784-1		

LANGAN

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NEW JERSEY NEW YORK CONNECTICUT PENNSYLVANIA OHIO
WASHINGTON, DC FLORIDA TEXAS NORTH DAKOTA CALIFORNIA
ABU DHABI ATHENS DOHA DUBAI ISTANBUL PANAMA

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

Project

44-30 PURVES STREET

BLOCK No. 268, LOT No. 1
BOROUGH OF QUEENS
CITY OF NEW YORK

QUEENS COUNTY STATE OF NEW YORK

Drawing Title

BOUNDARY
SURVEY

Project No. Drawing No.

170282501

Date

21 MAY 2015

Scale

1"=20'

Drawn By Checked By

BP PDF

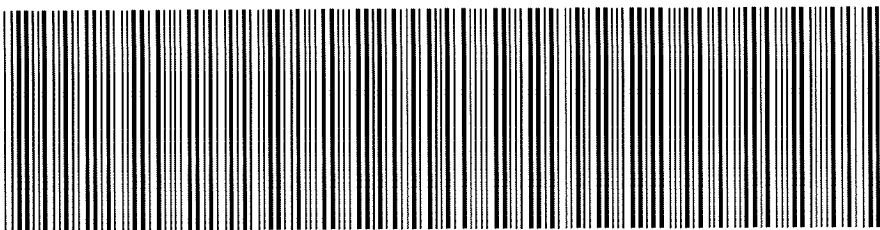
Submission Date

21 MAY 2015 Sheet 1 of 1

VB-101

**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.



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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 10

Document ID: 2015081800555001

Document Date: 07-31-2015

Preparation Date: 08-18-2015

Document Type: EASEMENT

Document Page Count: 9

PRESENTER:

ROYAL REGISTERED PROPERTY REPORTS INC
180853
500 5TH AVENUE
SUITE 1540
NEW YORK, NY 10110
212-376-0900

RETURN TO:

ROYAL REGISTERED PROPERTY REPORTS INC
180853
500 5TH AVENUE
SUITE 1540
NEW YORK, NY 10110
212-376-0900

PROPERTY DATA

Borough	Block	Lot	Unit	Address
QUEENS	268	1	Entire Lot	44-30 PURVES STREET
Property Type: NON-RESIDENTIAL VACANT LAND Easement				

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

PURVES STREET OWNERS LLC
52 VANDERBILT AVENUE
NEW YORK, NY 10017

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:

\$ 250.00

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 08-26-2015 12:11

City Register File No.(CRFN):
2015000296906



Annette McMill

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) Purves Street Owners, LLC, having an office at 52 Vanderbilt Avenue, New York, New York 10017, 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 44-30 Purves Street 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 268 Lot 1, being the same as that property conveyed to Grantor by deeds dated June 19, 2014 and October 17, 2014 and recorded in the City Register of the City of New York in CFRN #'s 2014000225213 and 2014000372295, respectively. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately .622 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 21, 2015 prepared by Paul D. Fisher, L.S., 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: C241162-06-14 as amended by Amendment #1 dated January 22, 2015, 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: C241162
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.

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

Purves Street Owners, LLC:

By: 

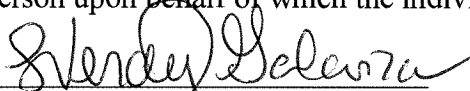
Print Name: David Brause

Title: Authorized Signatory Date: 7/1/15

Grantor's Acknowledgment

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

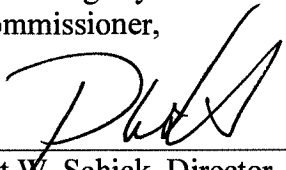
On the 1st day of July, in the year 20 15, before me, the undersigned, personally appeared David Brause, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they 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

WENDY GALARZA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GA6200632
Qualified in Bronx County
My Commission Expires February 09, 2017

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 CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly sideline of Purves Street, shown 60 feet wide on the Long Island City Atlases, where the same is intersected by the division line between lands herein described and lands now or formerly of Jewel Liton LLC, described in CRFN 2013000255742, said point distant 101.00 feet measured northerly along said sideline from its intersection with the northeasterly sideline of Thomson Avenue, shown 100 feet wide on said Long Island City Atlases, and runs, thence:

1. Along lands of Jewel Liton LLC, South 64°40'47" West, a distance of 45.21 feet, to a point; thence
2. Continuing along lands of Jewel Liton LLC, South 16°26'57" West, a distance of 45.21 feet, to a point on the northeasterly sideline of Thomson Avenue; thence
3. Along the northeasterly sideline of Thomson Avenue, North 73°33'03" West, a distance of 148.32 feet, to its intersection with the easterly sideline of 44th Drive, formerly Nott Avenue, shown 100 feet wide on said Long Island City Atlases; thence
4. Along the easterly sideline of 44th Drive, North 27°43'03" West, a distance of 59.97 feet, to a point where the same is intersected by the division line between lands herein described and lands now or formerly of Purves Development LLC, described in CRFN 2014000077940; thence
5. Along Purves Development LLC, North 64°40'47" East, a distance of 88.47 feet to a point; thence
6. Continuing along Purves Development LLC, North 25°19'13" West, a distance of 50.00 feet, to a point; thence
7. Continuing along Purves Development LLC, North 64°40'47" East, a distance of 100.00 feet, to a point in the westerly sideline of Purves Street; thence
8. Along the westerly sideline of Purves Street, South 25°19'13" East, a distance of 175.00 feet, to the Point of Beginning.
9. Encompassing an area of 27,092 square feet or 0.622 acres.

APPENDIX B

SITE INSPECTION PHOTOGRAPHS



Photo 1, 05/17/2023: View of main lobby and composite cover (facing northwest).

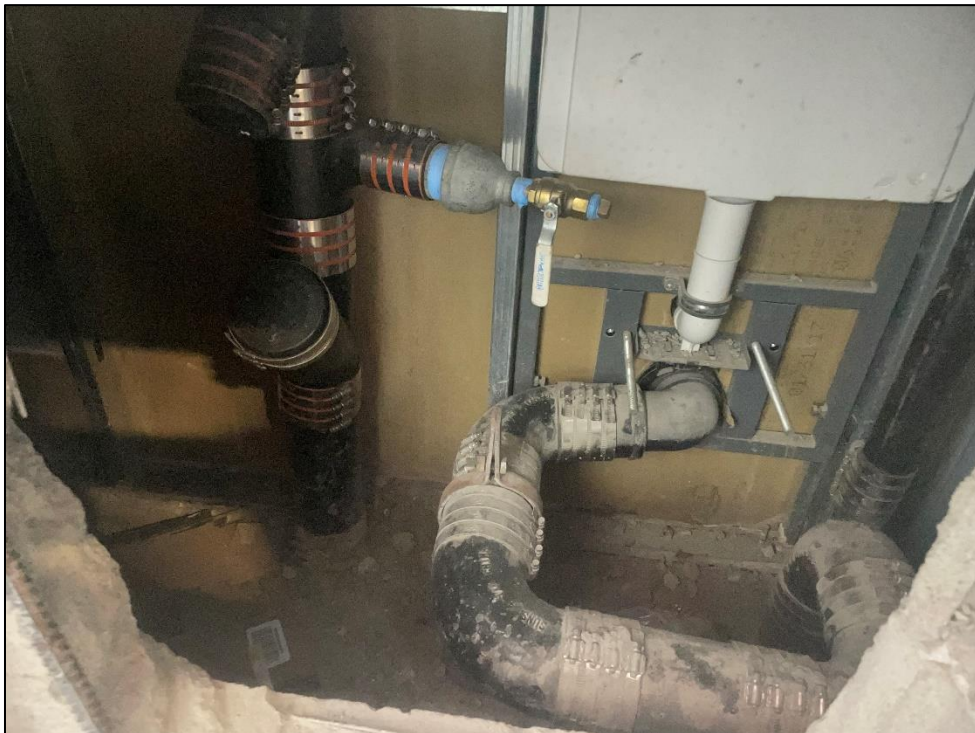


Photo 2, 05/17/2023: View of submembrane depressurization (SMD) system riser pipe penetration through the cellar slab (facing west).



Photo 3, 05/17/2023: View of blower units on roof (facing west).



Photo 4, 05/17/2023: View of vacuum gauge connected to roof blower (facing east).



Photo 5, 05/17/2023: View of filter attached to north SMD blower (facing west).



Photo 6, 05/17/2023: View of flow readings collected from the south blower (facing southwest).

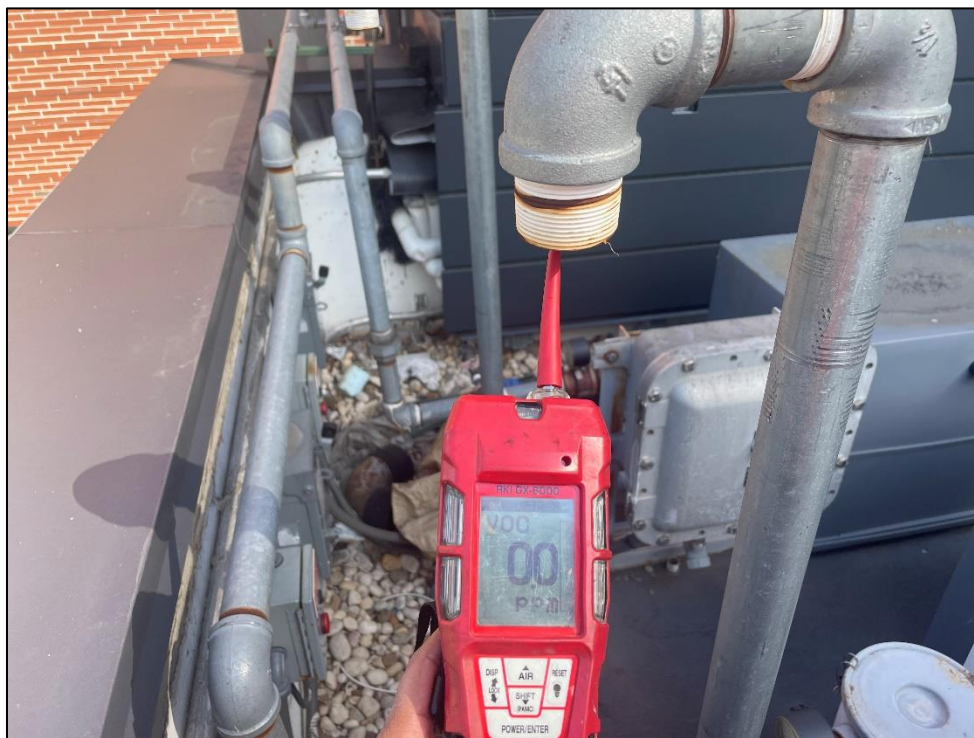


Photo 7, 05/17/2023: View of photoionization detector (PID) readings collected from the south blower (facing northwest).



Photo 8, 05/17/2023: View within the filter segment of the north blower.

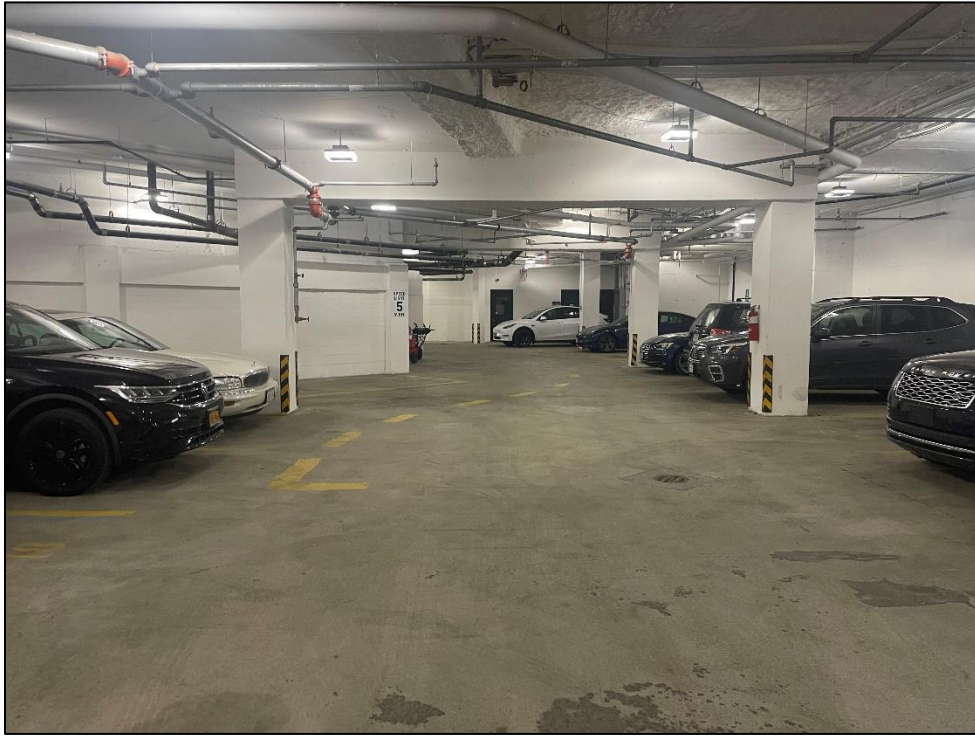


Photo 9, 05/17/2023: View of concrete building slab composite cover in ventilated parking garage (facing east).

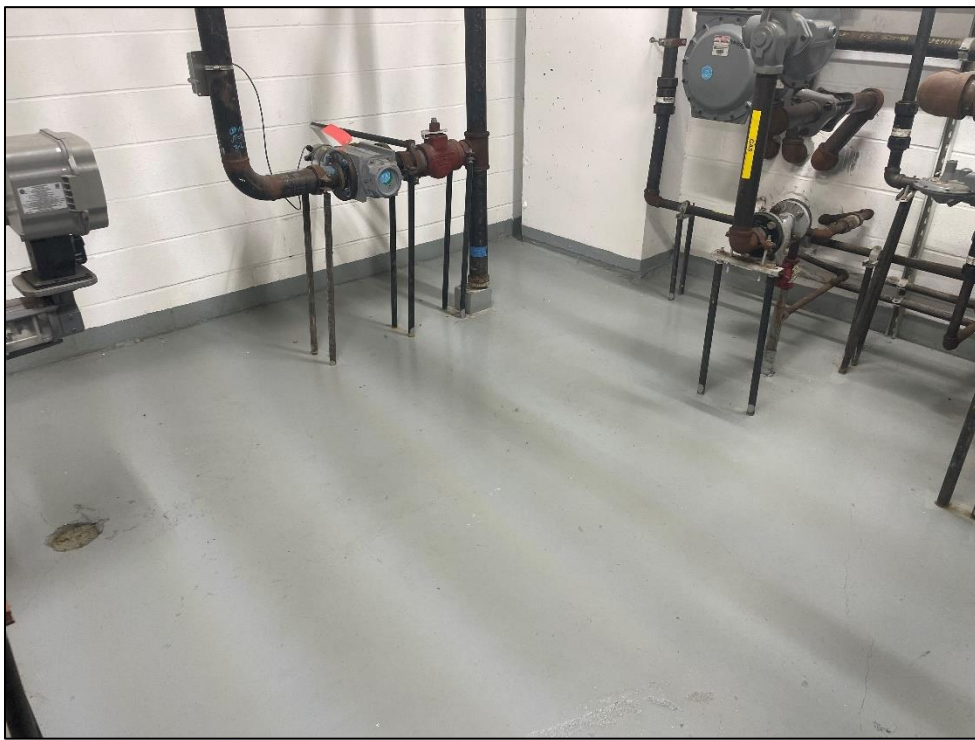


Photo 10, 05/17/2023: View of concrete building slab composite cover in gas meter room (facing northeast).

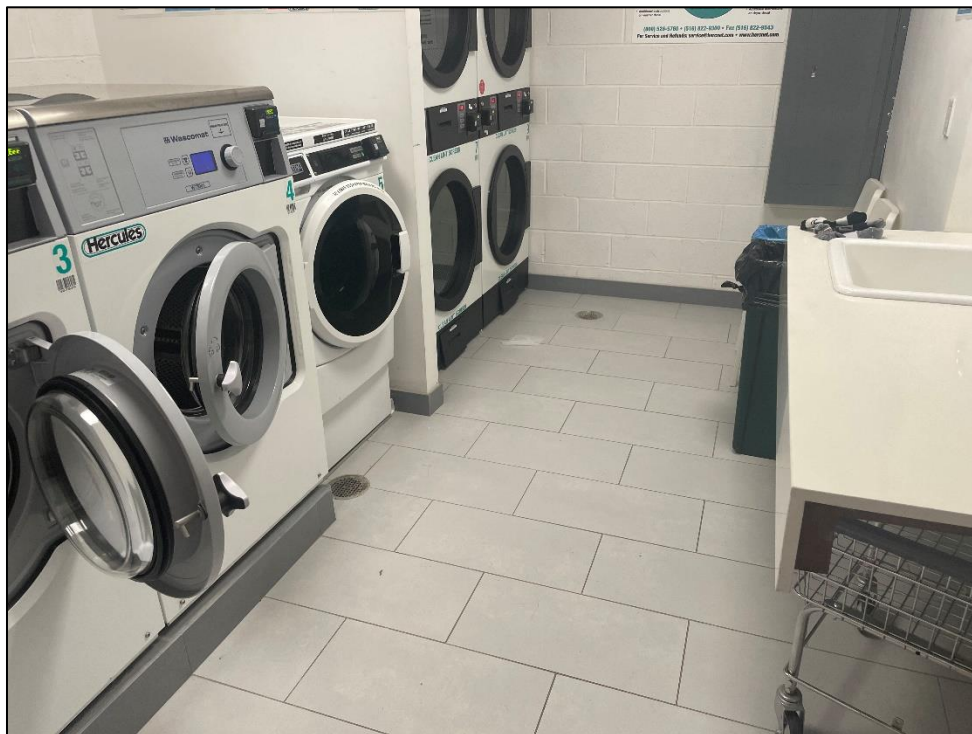


Photo 11, 05/17/2023: View of composite cover in laundry room (facing southwest).

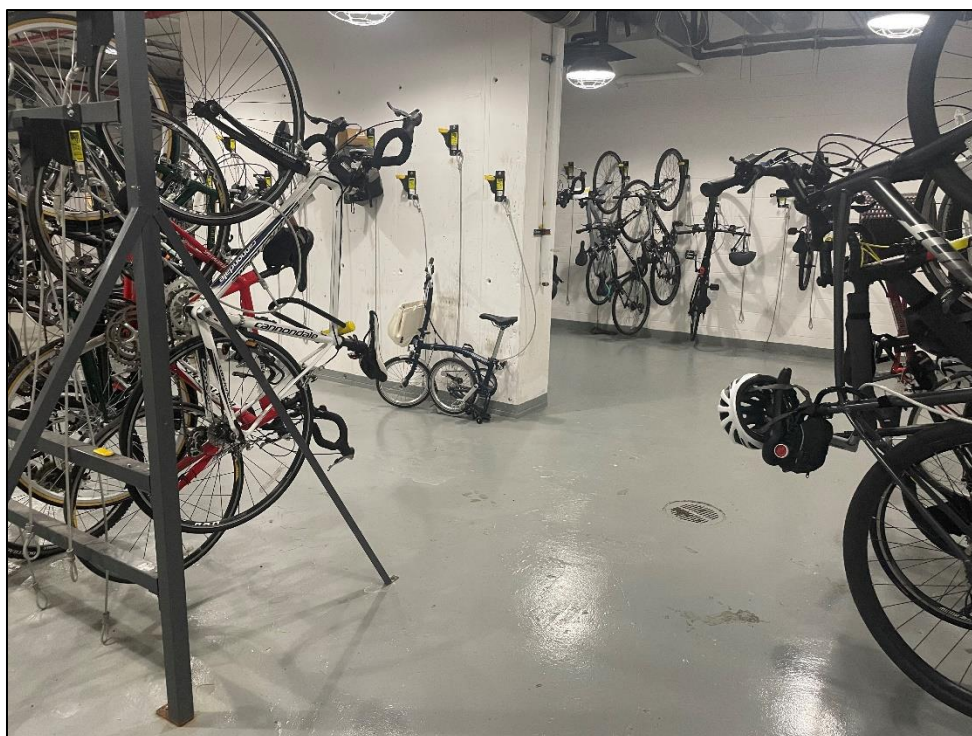


Photo 12, 05/17/2023: View of composite cover in bicycle storage room (facing northwest).

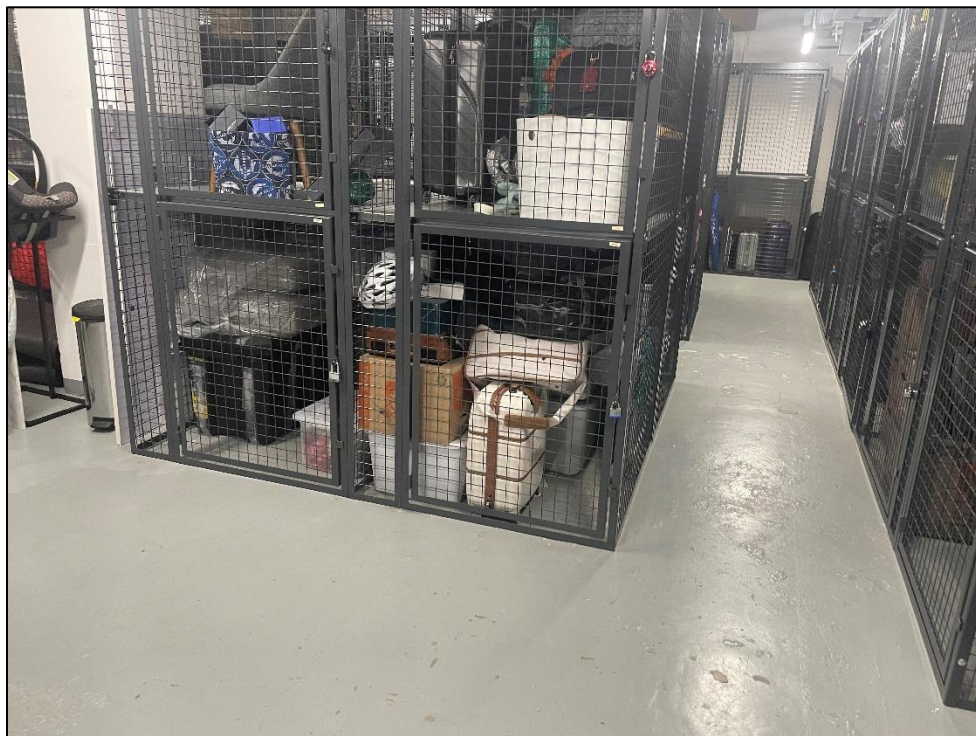


Photo 13, 05/17/2023: View of composite cover in resident storage room (facing northwest).



Photo 14, 05/17/2023: View of composite cover in compactor room (facing southeast).

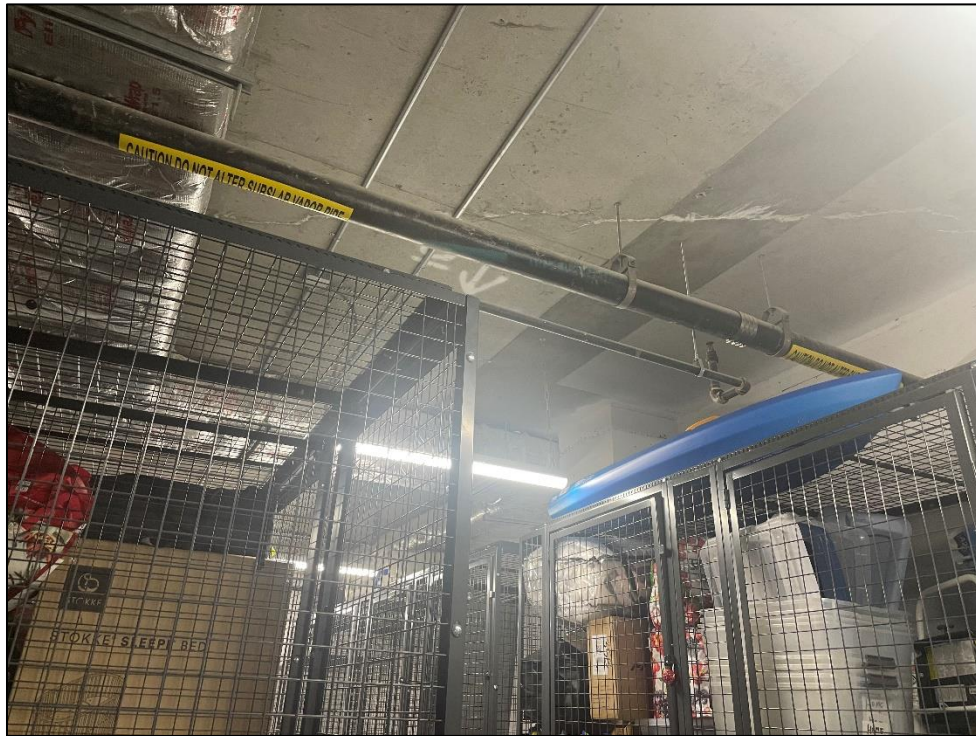


Photo 15, 05/17/2023: View of labeled SMD piping in storage room (facing northwest).



Photo 16, 05/17/2023: View of composite cover in pool storage room (facing south).

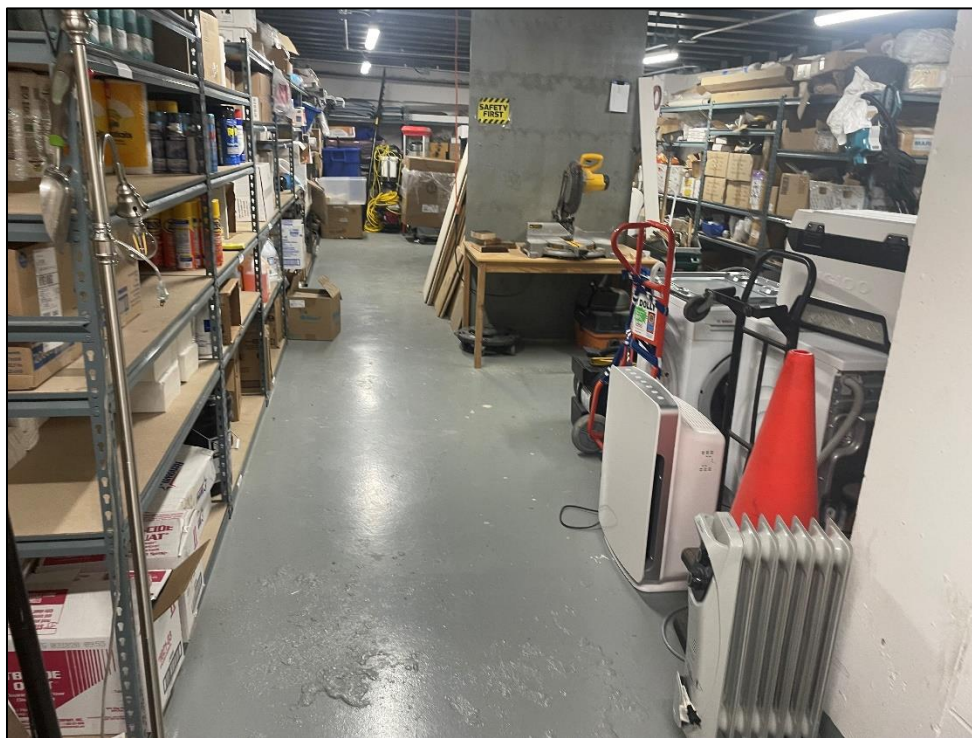


Photo 17, 05/17/2023: View of composite cover in supply room (facing south).

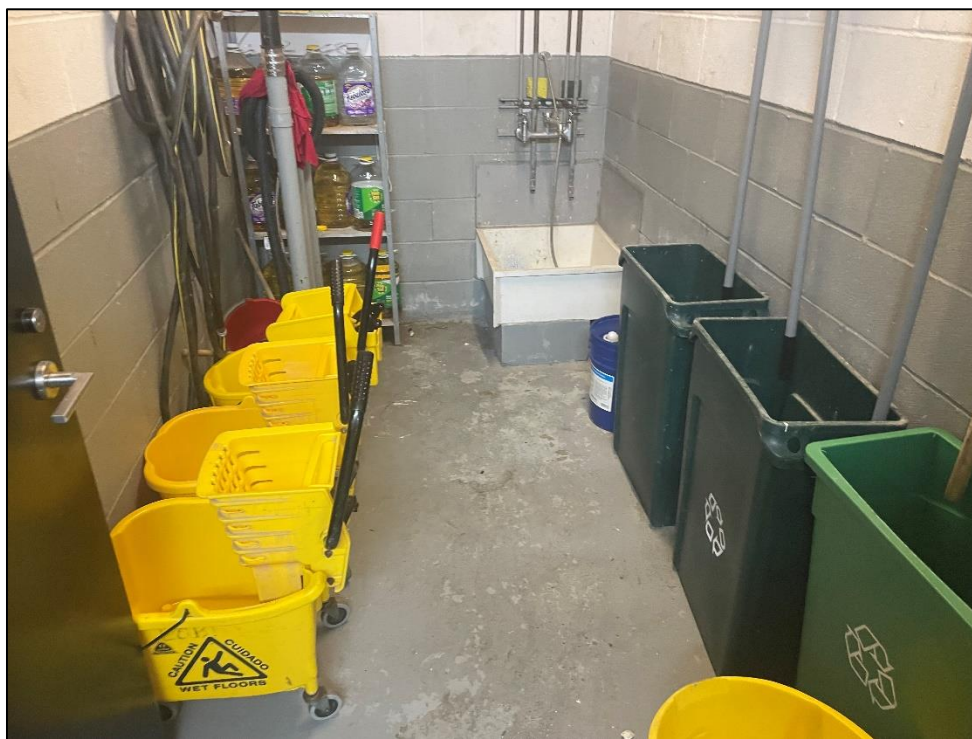


Photo 18, 05/17/2023: View of composite cover in the janitorial closet (facing north).

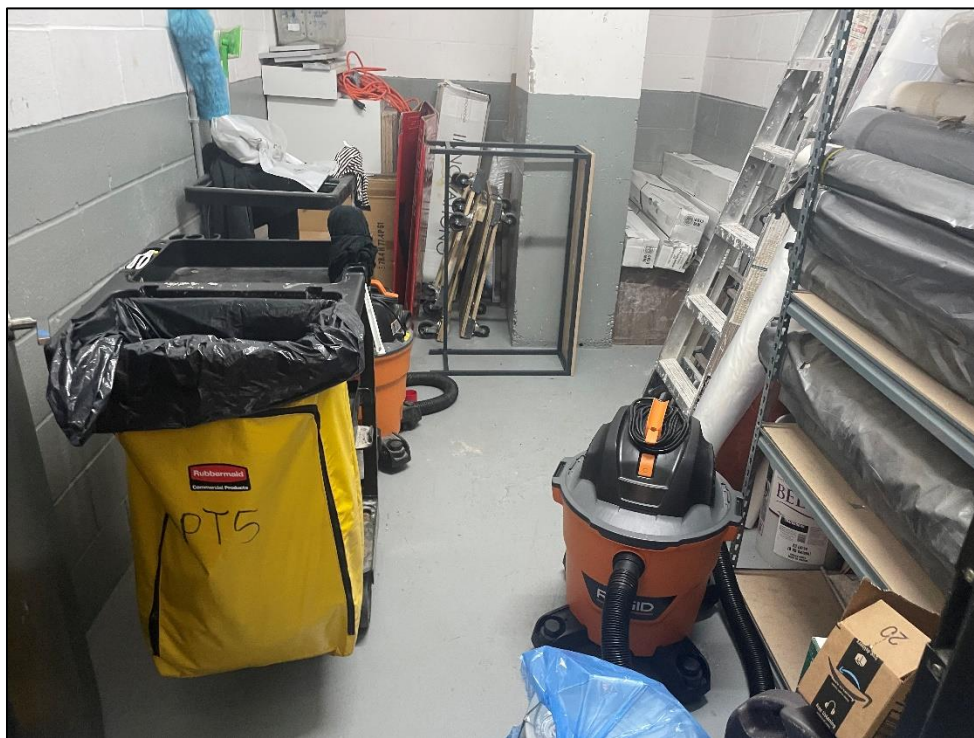


Photo 19, 05/17/2023: View of composite cover in the building storage room (facing south).



Photo 20, 05/17/2023: View of composite cover in the water meter room (facing southeast).



Photo 21, 05/17/2023: View of SMD riser behind maintenance hallway wall panel.

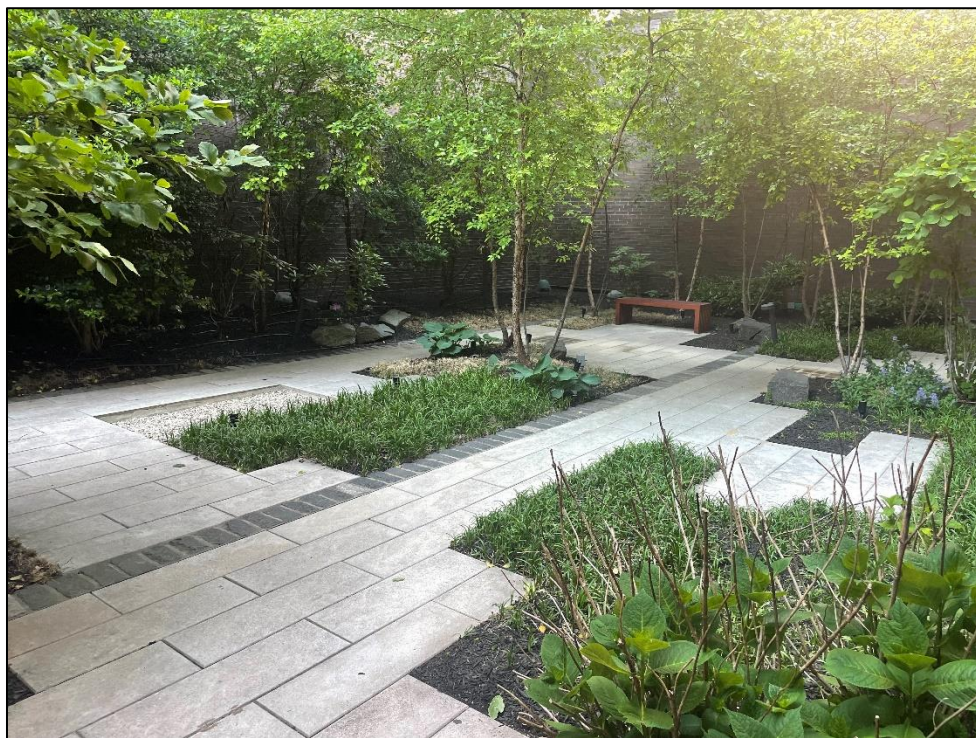


Photo 22, 05/17/2023: View of landscaping and composite cover in courtyard (facing northwest).



Photo 23, 05/17/2023: View of composite cover in maintenance hallway (facing east).



Photo 24, 05/17/2023: View of SMD system breaker and alarm panels (facing west).

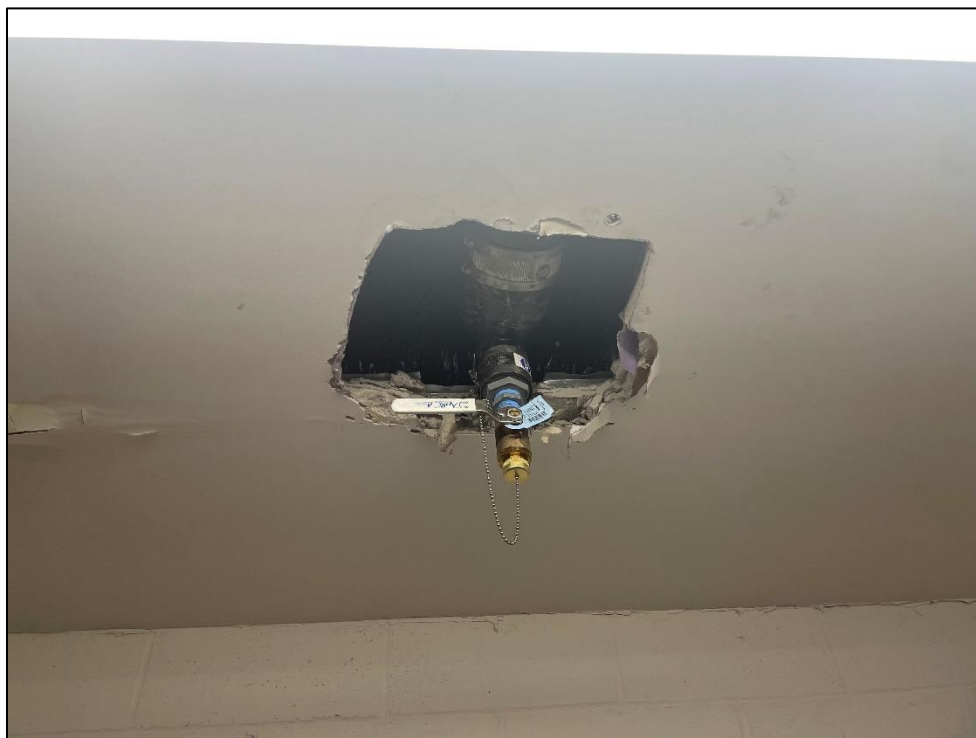


Photo 25, 05/17/2023: View of the clean out valve installed to remove water from the SMD system (facing west).

APPENDIX C

COMPOSITE COVER SYSTEM INSPECTION FORM

COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 44-30 Purves Street Location: Long Island City, NY Project Number: 170282502

Inspector Name: Seyena Simpson Date: 5/17/2023 Weather Conditions: Sunny, 50s-70s F

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

Check one of the following:

(Y: Yes N: No N/A: Not Applicable)

		Y	N	N/A	Is the Situation Normal?	Remarks
	General					
1	What are the current site conditions?	–	–	✓	Y	Building is complete and occupied.
	Impermeable Cap					
2	Are there any indications of a breach in the capping system at the time of this inspection?		✓		Y	
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?		✓		Y	
4	If YES to number 3, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	Y	

**** 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:

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

APPENDIX D

SMD SYSTEM INSPECTION FORM

SMD SYSTEM INSPECTION CHECKLIST

Site Name: <u>44-30 Purves Street</u>		Location: <u>Long Island City, NY</u>		Project Number: <u>170282502</u>	
Inspector Name: <u>Seyena Simpson</u>		Date: <u>5/17/2023</u>		Weather Conditions: <u>Sunny, 50s-70s F</u>	
Reason for Inspection (i.e., routine, severe condition, etc.): <u>Annual Inspection</u>					
Check one of the following: (Y: Yes N: No N/A: Not Applicable)					
		Y	N	N/A	Is the Situation Normal?
					Remarks
Records					
1	Is the Operations & Maintenance Plan readily available on-site?	✓			Y Records available in Langan digital archives.
2	Based on site records, when was the last inspection, maintenance, or repair event?			✓	Y 9/30/2022
3	Based on site records, was the system inoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		✓		Y
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?		✓		Y
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	Y
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			✓	Y
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 SMD blower discharge point?		✓		Y
SSD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	✓			Y
11	What is the VelociCalc Meter reading?	✓			Y South Blower: 115 CFM North Blower: 106 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 non-operational or malfunctioning, or that this EC is in non-compliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities

Additional remarks:

PID Reading at South Blower: 0.0 ppm, Vacuum Gauge at South Blower: 37 " H2O

PID Reading at North Blower: 0.0 ppm, Vacuum Gauge at North Blower: 65 " H2O

The first floor riser pipe connected to the north blower is drained of accumulated condensation once per month.

Minimum Inspection Schedule:

- SMD system inspections will be conducted quarterly for the first certification year at a minimum.
- Additional inspections will also be conducted at times of maintenance, repair, or severe condition events.
- The minimum schedule will be revised, as necessary, following the first certification year.
- All inspection events will use this checklist.

APPENDIX E

ANNUAL SITE-WIDE INSPECTION FORM

SITE INSPECTION CHECKLIST

Site Name: 44-30 Purves Street Location: Long Island City, NY Project Number: 170282502

Inspector Name: Seyena Simpson Date: 5/17/2023 Weather Conditions: Sunny, 50s-70s f

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

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

		Y	N	N/A	Is the Situation	Remarks
General						
1	What are the current site conditions?			✓	Y	Building is complete and occupied.
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?		✓		Y	Capping system intact at the time of the inspection. No active construction.
6	Are there any cracks in the building slabs?		✓		Y	
7	Are there any cracks in the building walls?		✓		Y	
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?		✓		Y	
9	If YES to number 7, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	Y	

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:

Minimum Inspection Schedule:

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

APPENDIX F

INSTITUTIONAL AND ENGINEERING CONTROLS 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

9/22/2023

David Brause
Member
Purves Street Owners LLC
52 Vanderbilt Avenue
c/o Brause Realty Inc.
New York, NY 10017
DAB@BrauseRealty.com

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

Site Name: 44-30 Purves Street

Site No.: C241162

Site Address: 44-30 Purves Street
Long Island City, NY 11101

Dear David Brause:

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 **October 30, 2023**. 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 Professional Engineer (PE). 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 Manfred Magloire, the Project Manager, at 718-482-4078 or manfred.magloire@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
One Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

ec: w/ enclosures

ec: w/ enclosures

Manfred Magloire, Project Manager

Jane O'Connell, Hazardous Waste Remediation Supervisor, Region 2

Langan Engineering - Jason Hayes - jahayes@langan.com

The following parcel owner did not receive an ec:

Purves Street Owners Llc - Parcel Owner

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. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are 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. **C241162**

Site Name **44-30 Purves Street**

Site Address: 44-30 Purves Street Zip Code: 11101
City/Town: Long Island City
County: Queens
Site Acreage: 0.622

Reporting Period: September 30, 2022 to September 30, 2023

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

- | | | |
|---|--------------------------|-------------------------------------|
| | YES | NO |
| 8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|

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. C241162

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
268-1	Purves Street Owners LLC	Ground Water Use Restriction Landuse Restriction Monitoring Plan Site Management Plan O&M Plan Soil Management Plan IC/EC Plan

Institutional controls mandate operation, maintenance, monitoring and reporting measures for all Engineering controls. They provide restriction on site usage and prevent future exposure to remaining contamination by controlling subsurface disturbances.

The site 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). All engineering Controls (ECs) must be operated and maintained as specified in the site management plan(SMP). All ECs must be inspected at a frequency and in a manner defined in the SMP. 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 first notify and obtain written approval to do so from the Department. Groundwater and other environmental or public health monitoring must be performed as defined in the SMP. 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. All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP. Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP. Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP. 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 restriction identified by this environmental easement.

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
268-1	Vapor Mitigation Cover System

Engineering controls include a composite cover system to prevent future exposure to the residual contamination remaining in place and a submembrane depressurization system to mitigate soil vapor intrusion.

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. C241162

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 David Brause at 52 Vanderbilt Ave, NY, 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.



Digitally signed by David A. Brause
DN: cn=David A. Brause, o=Brause
Realty, ou,
email=dab@brauserealty.com, c=US
Date: 2023.10.16 17:41:01 -04'00'

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

10/16/23
Date

EC CERTIFICATIONS

Box 7

Professional Engineer 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 360 W 31ST ST., 8TH FL, NY, NY 10001
print name print business address

am certifying as a Professional Engineer for the OWNER
(Owner or Remedial Party)



10/30/2023

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

Stamp
(Required for PE)

Date

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.