

# Original Document

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Return to:

The Fortress Corporation  
Corrective Action Plan

*Phase III Environmental Site Assessment*  
August 14, 1997

## 97-128B

Performed at:

The Judson Art Warehouse  
49-20 Fifth Street  
Long Island City, New York 11101

Prepared for:

The Fortress Corporation  
One Design Center Place  
Suite 715  
Boston, MA 02210-2313

User:

Fleet Bank  
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Boston, MA 02110-2010



**Impact Environmental**

Geotechnical Services · Environmental Consulting · Environmental Engineering · Environmental Contracting

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## **1.0 PURPOSE**

This assessment was conducted to determine the effectiveness of a Corrective Action Plan (CAP) completed at the property located at 49-20 Fifth Street, Long Island City, New York, herein identified as the subject property. Specifically, this assessment will gauge what, if any, contaminants remain on the subject property following the performance of the CAP. The CAP was designed to mitigate contaminants previously identified as existing in soil located in the area of two abandoned heating oil storage tanks. Additionally, the CAP included the removal of an abandoned storage structure.

## **2.0 SCOPE**

A Phase I Environmental Site Assessment performed by Impact Environmental Consulting, Inc. dated May 20, 1997, defined the environmental quality of the subject property and detected areas of recognized environmental conditions. A Phase II Environmental Site Assessment performed by Impact Environmental Inc., dated May 28, 1997, confirmed the presence of contaminants on the subject property and defined their nature and extent. This Phase III assessment describes the remedial corrective action tasks performed in an effort to restore the environmental quality of the subject property and attempts to determine their effectiveness. The following outline defines the work performed to execute the Phase III ESA.

- ❖ **Site Description**
- ❖ **Corrective Action Plan**
- ❖ **Feasibility Study**
- ❖ **End-Point Analysis**
- ❖ **Evaluation of Data**

Presented herein are the results of the Phase III ESA conducted by Impact Environmental Consulting, Inc. on the subject property. This Phase III ESA was performed under contract with The Fortress Corporation.

### 3.0 PROJECT BACKGROUND

#### 3.1 Site Description

The areal extent of the subject property was approximately 125,000 square feet. The subject property contained the following structures: 1) one two-story masonry building with an approximate footprint of 36,500 square feet composed of six interconnected buildings; 2) one two-story masonry building with an approximate footprint of 17,000 square feet; and 3) one masonry structure with an approximate footprint of 750 square feet used as a vent and escape tunnel for the subway.

The subject property is situated on the western edge of Long Island approximately fifteen hundred feet east of the East River. The surface area of the subject property consisted of asphalt parking areas, concrete walkways, exposed soils, and sparse vegetation. The subject property exhibited low topographic relief (less than three percent slopes). The elevation of the subject property, as presented on the United States Geologic Survey (USGS), Brooklyn Quadrangle Map, approximates fifteen feet above sea level. The elevation of the water table is anticipated to fluctuate between five and ten feet above sea level due to the tidal influence of the East River. Consequently, the water is anticipated to have a high salinity.

The interior of the 36,500 square foot building was used for the storage of museum collection items by the Judson Art Warehouse. The interior of the 17,000 square foot building was used for the storage of packing materials and various electrical, mechanical and interior design materials that appeared to be water damaged (leaking roof) and abandoned.

Prior to the current land use, the subject property was used for a variety of industrial applications by operators that included: 1) Crown Oil Products Corporation, which used the site to process, store and distribute vegetable oil products; 2) F.O. Pierce Company, which used the site for the manufacture, storage and distribution of oil and water based paints; 3) A. Tod Hunter, which used the site for the manufacture, storage and distribution of ornamental iron products; 4) Scientific Production Corporation, which used the site for the manufacture, storage and distribution of oil and water based paints; 5) The New York

and Long Island Rail Road Company, which used the site for the storage of construction equipment and building materials for the Belmont Subway Tunnel; 6) Pratt & Lambert Varnish Works, which used the site for the manufacture, storage and distribution of varnishes; and 7) Keystone Varnish Company, which used the site for the manufacture, storage and distribution of varnishes.

### **3.2 Recognized Environmental Conditions**

The floor of the 17,000 square foot building contained an abandoned subsurface underground storage container. Said container was identified to be half of a buried fifty five gallon drum with its top cut off. The presence of this container represents a recognized environmental condition pursuant to ASTM specifications (E-1527).

Subsurface soil samples secured in the area of two previously abandoned underground heating oil storage tanks were found to contain concentrations of petrochemicals consistent with heating oil contamination. The presence of these contaminants represents a recognized environmental condition.

### **3.3 Remedial Requirements**

A Corrective Action Plan (CAP) was recommended to be performed on the subject property to remove any contaminated soil encountered on-site. Additionally, the CAP included the removal of the underground storage container from the interior of the 17,000 square foot building.

The CAP performance required that a spill release be reported to the New York State Department of Environmental Conservation (NYSDEC) Spill Unit. The spill was reported to the NYSDEC on July 15, 1997. Accordingly, a spill number was issued to the site (9704425). The NYSDEC Spill Unit representative issued to supervise the incident was Mr. Mark Tibbey.

## 4.0 CORRECTIVE ACTION PLAN

### 4.1 Subsurface Contaminated Soil Mitigation

The contaminated area of soil was excavated over a two day period from July 15 to July 16, 1997. The excavation activities were performed using a hydraulic backhoe (Case Model 520) and front end loader. The soil was found to be highly contaminated as evident from field screening activities performed with a portable vapor analyzer. Additionally, an inordinate volume of buried concrete was noted to be mixed with the soil.

The excavated soil was loaded directly onto tractor trailers for off-site beneficial reuse. At a depth of approximately five feet below existing grade a concrete wall was encountered. The wall was part of a concrete tank vault in which excavation had been proceeding. The excavation activities were continued in a manner to define the vertical and horizontal extent of the vault and to determine its structural condition.

When all of the contaminated soil and debris were removed from the tank vault it was inspected. The inspection revealed that it was in good structural condition. Soil outside of the boundaries of the vault were noted to be significantly less contaminated. Mr. Tibbey of the NYSDEC was contacted by telephone for guidance on how to proceed. Mr. Tibbey suggested that no additional soil be removed from the site and that endpoint samples be secured.

A groundwater monitoring well was installed ten feet hydraulically down gradient of the vault to determine what impact the petroleum release had upon groundwater quality. The well was constructed of schedule 40 PVC riser and screen sections.

#### 4.1.1 Waste Characterization Sampling and Analysis

One sample representative of the subsurface soil within the excavation area was subjected to laboratory analysis. Analysis included USEPA Test Methods for PCBs, Volatile Organic Compounds, Total Petroleum Hydrocarbons, Total Organic Halocarbons, pH, Leachable Heavy Metals, Cyanide, Sulfide, Corrosivity, Igniteability, and Total RCRA Metals. The

results of the analysis satisfied the acceptance requirements of the selected disposal facility (See Appendix A).

#### *4.1.2 Disposal of Waste*

The contaminated soil was transported to R3 Technologies, Inc. R3 Technologies, Inc. is located in Morrisville, PA and beneficially reuses (recycles) the contaminated soil in the manufacture of asphalt paving products. All of the non-hazardous petroleum hydrocarbon contaminated soil was removed from the subject property and transported to the landfill by a NYSDEC licensed waste hauler.

A total of 158.04 tons of contaminated soil were excavated from the subject property (See Appendix C). Additionally, fifteen cubic yards of concrete debris were removed from the excavated soil.

#### **4.2 Interior Storage Structure**

The interior storage container was excavated out of the floor. There were no indications that the use of the container had actuated a release of contaminants to the surrounding soil. An endpoint sample was secured from the soil below the container.

## 5.0 FEASIBILITY STUDY

The waste disposal site selection was based on the nature, extent, concentration, situation and source of the contamination. The analytical data obtained during the scope of the Phase II Environmental Site Assessment supported the conclusion that the contaminants were associated with the release of heating oil.

### 5.1 Waste Classification

The contaminated soil situated within the tank pit was classified as non-hazardous regulated solid waste pursuant to Title 6 NYCRR Part 371 and Technical Administrative Guidance Manual (TAGM) 3028, Contained-In Criteria for Environmental Media.

Analytical data obtained from representative samples of the waste indicated that it was further classifiable as non-hazardous petroleum hydrocarbon contaminated soil. Non-hazardous petroleum hydrocarbon contaminated soil is a regulated solid waste in New York State and requires disposal in accordance with 6 NYCRR Part 360 Regulations.



## 6.0 END-POINT ANALYSIS

### 6.1 Sampling Plan

End-point samples were secured for laboratory analysis to confirm the effectiveness of the CAP. The samples were secured by Impact Environmental Consulting, Inc. The sampling was performed in accordance with the protocol provided in the NYSDEC Spill Prevention Operational Technologies Series (SPOTS) Memo 14 Tank Assessment. A sample was secured from each wall of the excavation for subsequent laboratory analysis. Samples of the excavation base could not be secured since it was within a concrete tank vault.

The samples secured were transported under an active chain-of-custody to a New York State Certified Commercial Laboratory for analysis. Laboratory analysis consisted of USEPA Test Method 8270 for volatile organic compounds and USEPA Method 8260 for volatile organic compounds.

Additionally, the groundwater sample obtained from the down gradient well was subjected to laboratory analysis. Laboratory analysis consisted of USEPA Test Method 625 for semivolatile organic compounds.

### 6.2 Laboratory Results

The results of the endpoint samples secured from the side walls of the tank vault detected concentrations of semivolatile organic compounds (see Table 1 Detected Contaminants in Soil, Long Island City, New York). The majority of the detected concentrations were below the NYSDEC Recommended Soil Cleanup Objectives (RSCO) values<sup>1</sup>. One semivolatile organic compound, chrysene, was detected within the north and south wall samples at concentrations in excess of the applicable RSCO value. A second semivolatile organic compound, benzo(a)anthracene, was detected within the north, south and west wall samples at concentrations above the applicable RSCO value.

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<sup>1</sup> NYSDEC, Technical Administrative Guidance Memorandum (TAGM), Determination of Recommended Soil Cleanup Objectives and Cleanup Levels, 1994.

Table 1: Detected Contaminants in Soil  
 Long Island City, New York  
 97-128b

| Sample ID              | North Wall | South Wall | West Wall | East Wall | TAGM 4046 Cleanup Objectives | MW-1 | Ambient Groundwater Standards |
|------------------------|------------|------------|-----------|-----------|------------------------------|------|-------------------------------|
| <b>Volatiles:</b>      |            |            |           |           |                              |      |                               |
| Unit                   | ug/Kg      | ug/Kg      | ug/Kg     | ug/Kg     | ug/Kg                        | ug/L | ug/L                          |
| 1,3,5-Trimethylbenzene | ND         | ND         | ND        | 2         | NA                           | ND   | 5                             |
| n-Butylbenzene         | ND         | ND         | ND        | ND        | NA                           | 3.3  | NA                            |
| sec-Butylbenzene       | ND         | ND         | ND        | 7.7       | NA                           | 1.9  | NA                            |
| t-Butylbenzene         | ND         | ND         | ND        | ND        | NA                           | 1.3  | NA                            |
| <b>Semi-Volatiles:</b> |            |            |           |           |                              |      |                               |
| Unit                   | ug/Kg      | ug/Kg      | ug/Kg     | ug/Kg     | ug/Kg                        | ug/L | ug/L                          |
| Acenaphthylene         | 270        | 1,700      | ND        | ND        | 90,000                       | ND   | NA                            |
| Phenanthrene           | 1,000      | ND         | ND        | ND        | 220,000                      | 1.3  | 50                            |
| Anthracene             | 250        | ND         | ND        | ND        | 700,000                      | ND   | 50                            |
| Fluoranthene           | 1,900      | 2,400      | ND        | ND        | 350,000                      | ND   | 50                            |
| Pyrene                 | 2,100      | 3,000      | ND        | ND        | 665,000                      | ND   | 60                            |
| Benzo(a)anthracene     | 1,300      | 2,200      | ND        | ND        | 3,000                        | ND   | 0.002                         |
| Chrysene               | 1,200      | 2,300      | ND        | ND        | 400                          | ND   | 0.002                         |
| Benzo(b)fluoranthene   | 2,100      | 6,400      | 1,800     | ND        | 1,100                        | ND   | 0.002                         |
| Benzo(a)pyrene         | 1,100      | 3,600      | ND        | ND        | 11,000                       | ND   | 0.002                         |
| Indeno(1,2,3-cd)pyrene | 380        | 1,300      | ND        | ND        | 3,200                        | ND   | 0.002                         |
| Benzo(g,h,i)perylene   | 320        | 1,300      | ND        | ND        | 800,000                      | ND   | NA                            |

ND = Not Detected.

Red values represent concentrations above guidance values.

NA = Not Available.

Laboratory analysis performed on the groundwater sample secured from the down gradient monitoring well failed to detect any concentrations of the target analytes above New York State Ambient Groundwater Standards<sup>2</sup>.

The analytical results of the endpoint sample secured from below the interior storage container failed to detect any of the target analytes.

Copies of the laboratory report as prepared by ICM Laboratories, Inc. are provided in Appendix B of this report.

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<sup>2</sup> NYSDEC, Technical Operational Guidance Series (TOGS), 1.1.1, Ambient Groundwater Standards and Limitations, 1992.

## 7.0 EVALUATION OF DATA

All of the data compiled under the scope of this assessment was submitted to the NYSDEC. All evaluating statements were based on the guidance documents prepared by the NYSDEC for gauging the effectiveness of corrective action plans.

1. The underground storage container that was situated on the subject property was abandoned (removed) in accordance with the provisions of the NYSDEC. The operation of the container did not actuate the release of product to the soil or groundwater systems of the subject property.

Accordingly, no further remedial work is required to be performed with respect to the container on the subject property.

2. The contaminated soil contained within the tank vault was removed. The soil remaining around the vault was sampled and tested by a certified laboratory. The laboratory analysis detected concentrations of semivolatile organic contaminants. The majority of the contaminants existed at concentrations that were below the applicable NYSDEC RSCO values. One semivolatile organic compound, chrysene, was detected within the north and south wall samples at concentrations in excess of the applicable RSCO value. A second semivolatile organic compound, benzo(a)anthracene, was detected within the north, south and west wall samples at concentrations above the applicable RSCO value.

It should be noted that the RSCO values are derived from a theoretical contaminant migration model identified as the Water-Soil Equilibrium Partition Theory Model. The intent of the model is to determine soil standards or contamination limits for the protection of groundwater quality. The values derived from it are based on the ability of organic carbon in soil to absorb contamination. It uses these factors to derive an equation from which the RSCO values are derived.

The subject property has certain unique characteristics that make the actual RSCO values higher by a factor of five to ten. These factors are: 1) the diminished

groundwater quality of the region due to salt water intrusion; 2) the high organic carbon content of the soil on the subject property; and 3) the small grain size of the soil of the subject property (organic silt). All of these factors are a function of the subject property's proximity to the East River.

Based on these conditions it is not likely that the release will significantly impact groundwater quality on the subject property. This supposition is supported by the results of the analysis performed on the groundwater sample secured from the down gradient monitoring well which failed to detect any semivolatile organic compounds above ambient standards.

The information gathered under the scope of this CAP was presented to NYSDEC Spill Unit representative Mark Tibbey. Mr. Tibbey reviewed the data and has closed the spill incident effective August 13, 1997. The spill incident now has a "Closed" status.

Accordingly, no further remedial work is required to be performed with respect to the detected underground storage tank product release on the subject property. Official written notification from the NYSDEC is pending.

## 6.0 CONCLUSION

Impact Environmental Consulting, Inc. has completed a Corrective Action Plan on the subject property under the auspices of the New York State Department of Environmental Conservation. The CAP included the removal of approximately one hundred and fifty tons of contaminated soil and approximately fifteen yards of concrete debris. Additionally, it included the removal of an underground storage container from the floor of an abandoned building.

Based on the laboratory analysis performed on end-point samples, it would appear that the CAP was sufficient to mitigate the contaminants present on the subject property. Accordingly, activities occurring on the subject property are not impacting the environmental quality of the subject and / or surrounding properties. The results of analysis performed on a groundwater sample secured from a well hydraulically down gradient of the contaminated soil supports this conclusion.

Fleet Tank Refinance

## Impact Environmental

 a division of impact environmental consulting, inc.

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*Geotechnical Services  
Environmental Consulting  
Environmental Engineering  
Environmental Contracting*

May 29, 1997

Mr. Denis Holler  
The Fortress Corporation  
One Design Center Place  
Suite 715  
Boston, Massachusetts 02210-2313

Re: The Judson Art Warehouse  
49-20 Fifth Street  
Long Island City, New York 11101

Dear Mr. Holler:

Impact Environmental Consulting, Inc. has completed a Phase II Environmental Site Assessment on the above referenced property for your firm. The results of the assessment were presented to you in a report dated April 10, 1996. The findings in the assessment were confirmed by the performance of a second Phase II Environmental Site Assessment performed on the subject property. The results of the second assessment were presented in a report dated May 28, 1997.

The findings presented in the reports indicated that an area of soil exists on the site that has been impacted by virgin heating oil. The heating oil is believed to have been released to the soil from two underground storage tanks formerly located on the site that were utilized for on-site heating applications. Based on the results of the assessment, the horizontal extent of the heating oil impacted soil appears to be limited to an area that approximates seventy feet by twenty five feet. The vertical extent of the contamination approximates ten feet. Based on these measurements, there is approximately six hundred and fifty cubic yards of heating oil impacted soil.

Heating oil impacted soil is classified in New York State as regulated non-hazardous petroleum hydrocarbon contaminated media. This classification requires that the soil be handled for transport and disposal purposes as a solid waste. Non-hazardous petroleum hydrocarbon contaminated media can be transported and disposed of at a cost of approximately seventy

Mr. Denis Holler  
The Fortress Corporation

May 29, 1997  
Page 1 of 3

(\$70.00) dollars per ton. Six hundred yards of soil is the equivalent of approximately seven hundred and eighty tons of soil. Accordingly, the costs to transport and dispose of the soil would be approximately fifty five thousand (\$55,000) dollars. The testing and loading of the soil would likely cost an additional two thousand dollars (\$2,000).

Groundwater on the subject property was tested under the scope of the Phase II assessment performed in 1996. At such time, there were no indications that the heating oil had impacted the environmental quality of groundwater. This suggests that the heating oil while present in the soil is not present in groundwater. This is a common occurrence in areas that are affected by a tidal water body. In the case of the subject property, the elevation of the water table changes diurnally as a function of the tidal range of the East River. Therefore, as the water table elevation rises and falls, the heating oil, which floats on the water table, rises and falls with it. Since the subsurface soil contains a high amount of organic silt which acts to absorb the petroleum product, the heating oil is smeared through the soil in the tidal range. The resulting area, referred to as a "smear zone" has a low contaminant migration potential (transmissivity) since it contains significantly lower volume of heating oil per unit volume of soil. Additionally, the absorption force of the organic fraction and the adhesive force between small soil particles in fine media (such as the silt) restricts contaminant migration. The remedial plan specified above includes removing all of the soil in the smear zone.

If additional time had been available to perform the second Phase II Environmental Site Assessment groundwater monitoring wells could have been installed, developed and tested to demonstrate this phenomenon. Said work would have required approximately three weeks to perform to USEPA specifications.

Based on the information generated from the Phase II Environmental Site Assessment and based upon our experience with similar projects within highly industrialized areas, it is our opinion that a remediation plan approved by the NYSDEC will not require any form of groundwater mitigation. This opinion is strengthened by the fact that the groundwater is saline.


Finally, the Phase I Environmental Site Assessment identified approximately three hundred linear feet of asbestos containing pipe wrap. Based on the prevailing industry rate, the abatement costs will approximate twenty five dollars (\$25) per linear foot. Accordingly, I would estimate that the abatement work would cost approximately seventy five hundred (\$7,500) dollars.





If you have any questions or comments, please feel free to contact me.

Sincerely,  
**IMPACT ENVIRONMENTAL  
CONSULTING, INC.**

  
Richard S. Parrish, P.G.  
Senior Geologist

*Mr. Denis Holler  
The Fortress Corporation*

*May 29, 1997  
Page 3 of 3*

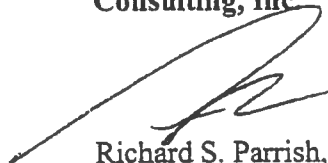


Representative Mr. Mark Tibbey at telephone number 718.776.6080. Since the spill incident has been closed, no additional work must be performed to define or enhance the environmental quality of the subject property.

Please call me if you have any questions regarding this matter.

Sincerely,

**Impact Environmental  
Consulting, Inc**

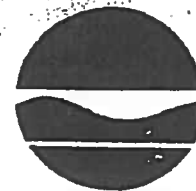


Richard S. Parrish, P.G.

*Senior Geologist*



New York State Department of Environmental Conservation  
Bureau of Spill Prevention and Response Field Office  
222-34 96TH Avenue, Queens Village NY 11429  
(718) 776-6080 FAX: (718) 740-6537



John P Cahill  
Commissioner

August 29, 1997

Impact Environmental  
46 East Northport Road  
Kings Park, NY 11754

RE: Spill # 97-04425  
49-20 Fifth Street  
Long Island City, NY

Mr. Richard S. Parrish,

Upon review of the site assessment, submitted by "Impact Environmental", for the above referenced site, it is the feeling of this Department that the results of the investigations show no significant petroleum contamination of the ground or waters of the State of New York. Any remaining contamination does not pose a threat and should biodegrade naturally. The work performed was done in a satisfactory manner and meets all Departmental requirements. This Department requires no further action to be taken at this site. The Spill Number assigned to this site will be closed as August 13, 1997.

Please be advised that this letter is to serve only as an approval of the nature and extent of the work performed. It does not exempt the owner of this property from unforeseen, or future, environmental problems at this site, directly or indirectly related to the contamination source which initiated this work.

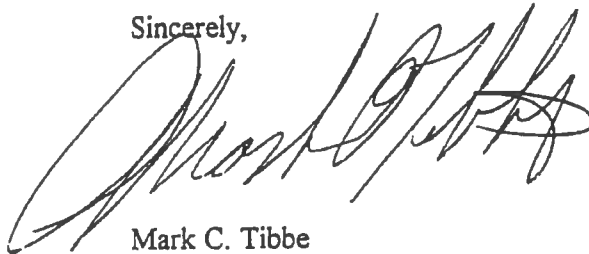
TO: Richard S. Parrish

DATE: 8/29/97

PAGE: 2

If there are any questions concerning this issue, please call me at (718) 776-6080.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Tibbe', written in a cursive style.

Mark C. Tibbe  
Env. Eng. Tech. III  
New York State Department of  
Environmental Conservation

cc: file

# Impact Environmental



a division of impact environmental consulting, inc.

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Environmental Consulting  
Environmental Engineering  
Environmental Contracting*

August 14, 1997

Mr. Denis Holler  
The Fortress Corporation  
One Design Center Plaza  
Suite 175  
Boston, MA 02210-2313

Re: *49-20 Fifth Street, Long Island City, New York*

Dear Mr. Holler:

Enclosed please find the Corrective Action Plan (CAP) report regarding the petroleum spill that was discovered at the above referenced property. The spill was reported to the New York State Department of Environmental Conservation (NYSDEC) on July 14, 1997. The NYSDEC issued the spill incident number 9704425 and entered it into the spill log. All of the corrective action activities detailed in the CAP were performed under the auspices of the NYSDEC Spill Unit.

I am pleased to report that the spill investigation has been closed as of August 13, 1997. Written notification of this fact should come to you within two to three weeks. In the interim you can call and confirm the status of the spill incident with NYSDEC Spill

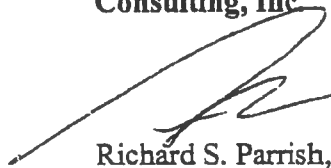


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Please call me if you have any questions regarding this matter.

Sincerely,

**Impact Environmental  
Consulting, Inc**



Richard S. Parrish, P.G.

*Senior Geologist*



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May 29, 1997

Mr. Denis Holler  
The Fortress Corporation  
One Design Center Place  
Suite 715  
Boston, Massachusetts 02210-2313

Re: The Judson Art Warehouse  
49-20 Fifth Street  
Long Island City, New York 11101

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The findings presented in the reports indicated that an area of soil exists on the site that has been impacted by virgin heating oil. The heating oil is believed to have been released to the soil from two underground storage tanks formerly located on the site that were utilized for on-site heating applications. Based on the results of the assessment, the horizontal extent of the heating oil impacted soil appears to be limited to an area that approximates seventy feet by twenty five feet. The vertical extent of the contamination approximates ten feet. Based on these measurements, there is approximately six hundred and fifty cubic yards of heating oil impacted soil.

Heating oil impacted soil is classified in New York State as regulated non-hazardous petroleum hydrocarbon contaminated media. This classification requires that the soil be handled for transport and disposal purposes as a solid waste. Non-hazardous petroleum hydrocarbon contaminated media can be transported and disposed of at a cost of approximately seventy

Mr. Denis Holler  
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Groundwater on the subject property was tested under the scope of the Phase II assessment performed in 1996. At such time, there were no indications that the heating oil had impacted the environmental quality of groundwater. This suggests that the heating oil while present in the soil is not present in groundwater. This is a common occurrence in areas that are affected by a tidal water body. In the case of the subject property, the elevation of the water table changes diurnally as a function of the tidal range of the East River. Therefore, as the water table elevation rises and falls, the heating oil, which floats on the water table, rises and falls with it. Since the subsurface soil contains a high amount of organic silt which acts to absorb the petroleum product, the heating oil is smeared through the soil in the tidal range. The resulting area, referred to as a "smear zone" has a low contaminant migration potential (transmissivity) since it contains significantly lower volume of heating oil per unit volume of soil. Additionally, the absorption force of the organic fraction and the adhesive force between small soil particles in fine media (such as the silt) restricts contaminant migration. The remedial plan specified above includes removing all of the soil in the smear zone.

If additional time had been available to perform the second Phase II Environmental Site Assessment groundwater monitoring wells could have been installed, developed and tested to demonstrate this phenomenon. Said work would have required approximately three weeks to perform to USEPA specifications.

Based on the information generated from the Phase II Environmental Site Assessment and based upon our experience with similar projects within highly industrialized areas, it is our opinion that a remediation plan approved by the NYSDEC will not require any form of groundwater mitigation. This opinion is strengthened by the fact that the groundwater is saline.

Finally, the Phase I Environmental Site Assessment identified approximately three hundred linear feet of asbestos containing pipe wrap. Based on the prevailing industry rate, the abatement costs will approximate twenty five dollars (\$25) per linear foot. Accordingly, I would estimate that the abatement work would cost approximately seventy five hundred (\$7,500) dollars.

*Mr. Denis Holler  
The Fortress Corporation*


*May 29, 1997  
Page 2 of 3*





If you have any questions or comments, please feel free to contact me.

Sincerely,  
**IMPACT ENVIRONMENTAL  
CONSULTING, INC.**



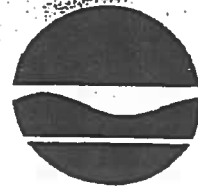
Richard S. Parrish, P.G.  
Senior Geologist

*Mr. Denis Holler  
The Fortress Corporation*

*May 29, 1997  
Page 3 of 3*



New York State Department of Environmental Conservation  
Bureau of Spill Prevention and Response Field Office  
222-34 96TH Avenue, Queens Village NY 11429  
(718) 776-6080 FAX: (718) 740-6537



John P Cahill  
Commissioner

August 29, 1997

Impact Environmental  
46 East Northport Road  
Kings Park, NY 11754

RE: Spill # 97-04425  
49-20 Fifth Street  
Long Island City, NY

Mr. Richard S. Parrish,

Upon review of the site assessment, submitted by "Impact Environmental", for the above referenced site, it is the feeling of this Department that the results of the investigations show no significant petroleum contamination of the ground or waters of the State of New York. Any remaining contamination does not pose a threat and should biodegrade naturally. The work performed was done in a satisfactory manner and meets all Departmental requirements. This Department requires no further action to be taken at this site. The Spill Number assigned to this site will be closed as August 13, 1997.

Please be advised that this letter is to serve only as an approval of the nature and extent of the work performed. It does not exempt the owner of this property from unforeseen, or future, environmental problems at this site, directly or indirectly related to the contamination source which initiated this work.

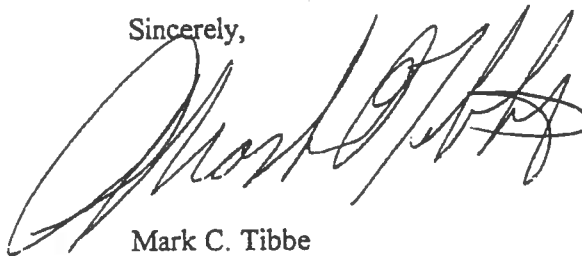
TO: Richard S. Parrish

DATE: 8/29/97

PAGE: 2

If there are any questions concerning this issue, please call me at (718) 776-6080.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Tibbe". The signature is fluid and cursive, with a large initial "M" and a stylized "T".

Mark C. Tibbe  
Env. Eng. Tech. III  
New York State Department of  
Environmental Conservation

cc: file