

101-21 101ST STREET

OZONE PARK, QUEENS, NEW YORK

Brownfield Cleanup Program Application

Prepared for:

MRA, LLC
101-21 101st Street
Ozone Park, New York
917-335-2064

Prepared by:

Touchstone Environmental Geology, PC
1919 Middle Country Road
Centereach, New York
631-315-2734

APRIL 2024



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Attachment A: Requestor and Property Information
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BCP Application Form



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 101-21 101st Street Site

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C241282

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **101-21 101st Street Site**

ADDRESS/LOCATION **101-21 101st Street**

CITY/TOWN **Ozone Park**

ZIP CODE **11416**

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY **Queens**

SITE SIZE (ACRES) **0.74**

LATITUDE

LONGITUDE

40°	41'	5.208"	-73°	50'	27.708"
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Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
101-21 101st Street		9419	49	0.74

1. Do the proposed site boundaries correspond to tax map metes and bounds?

If no, please attach an accurate map of the proposed site including a metes and bounds description.

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

2. Is the required property map included with the application?

(Application will not be processed without a map)

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See [DEC's website](#) for more information)

If yes, identify census tract: _____

Percentage of property in En-zone (check one): 0% ☒ 1-49% ☐ 50-99% ☐ 100% ☐

<input type="radio"/>	<input checked="" type="radio"/>
-----------------------	----------------------------------

4. Is the project located within a disadvantaged community?

See application instructions for additional information.

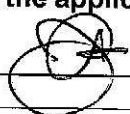
<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
-----------------------	----------------------------------

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:

<input type="radio"/>	<input checked="" type="radio"/>
-----------------------	----------------------------------

SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		Y	N
		<input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
<p>NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.</p> <p>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</p> <p>Initials of each Requestor: _____</p> <div style="text-align: center;">  </div>			

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☒ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M1-2

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☐ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☐

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☐ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☒ ☐ ☐

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? ☒ YES ☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Manufacturing/Machine Shop; Presence of Trichloroethylene UST (See attached).

SECTION V: Requestor Information

NAME MRA, LLC

ADDRESS 10121 101st Street

CITY/TOWN Ozone Park

STATE NY

ZIP CODE 11416

PHONE

EMAIL

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT <input type="checkbox"/> A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☒ Current Owner ☐ Potential/Future Purchaser ☐ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?

☐

Yes

☐

No

☒

N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE Jim Rueda

ADDRESS 101-21 101st Street

CITY Ozone Park

STATE NY

ZIP CODE 11416

PHONE (917) 355-2064

EMAIL jamesrueda101@gmail.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Rachel Ataman

COMPANY Touchstone Environmental Geology, PC

ADDRESS 1919 Middle Country Road, Suite 205

CITY Centereach

STATE NY

ZIP CODE 11720

PHONE (631) 315-2733

EMAIL rachelataman@touchstoneenvironmental.com

REQUESTOR'S ATTORNEY (CONTACT NAME) George C. D. Duke

COMPANY Connell Foley LLP

ADDRESS 875 Third Avenue

CITY New York

STATE NY

ZIP CODE 10022

PHONE (212) 307-3700

EMAIL gduke@connellfoley.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? *see attached supplement N/A	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER MRA, LLC

CONTACT NAME Jim Rueda

ADDRESS 10121 101st Street

CITY Ozone Park

STATE NY

ZIP CODE 11416

PHONE (917) 335-2064

EMAIL

OWNERSHIP START DATE 12/20/1999

CURRENT OPERATOR Moving Right Along

CONTACT NAME Jim Rueda

ADDRESS 10121 101st Street

CITY Ozone Park

STATE NY

ZIP CODE 11416

PHONE (917) 335-2064

EMAIL jamesrueda101@gmail.com

OPERATION START DATE 12/20/1999

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am authorized signatory (title) of MRA, LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 4/9/2024

Signature:  _____

Print Name: James Rueda

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" type="radio"/>

From ECL 27-1405(31):

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☒ Project is planned as Affordable Housing, but agreement is not yet available*
- *Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☐ This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐

Yes – planned renewable energy facility site with documentation

☐

Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☒

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐

Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☒

No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via email and via ground mail.

VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://fts.dec.state.ny.us/fts/>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: *"BCP Application NEW - *Proposed Site Name"*
- Email your submission to DESiteControl@dec.ny.gov - do NOT copy Site Control staff.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:

Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

SECTION I: Property Information (continued)

Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location:

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified)

Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

SECTION I: Property Information (continued)

<p>Environmental Assessment</p>	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
<p>Questions 15-17: New York City Sites</p>	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the “land use” factors to be considered relative to the “Land Use” section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a “brownfield site” pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A “renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer. Be specific as to the appropriate care taken.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (CONTINUED)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

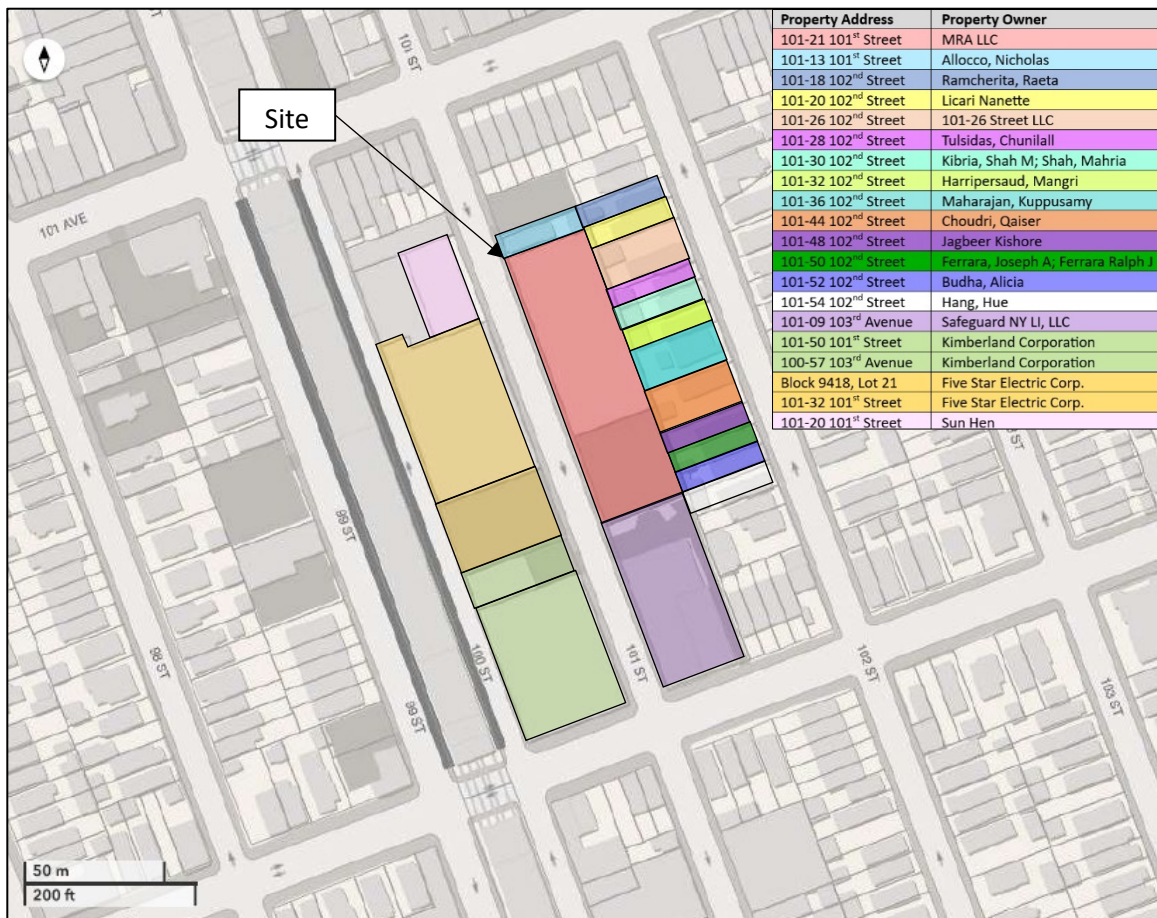
1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section IV, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

Section I. Property Information

BCP Site Tax Map:



The boundaries of the Site correspond to the tax map boundaries. The Site consists of one parcel located to the east of 101st Street. The tax map can be found in **Figure 1**.

Figure 2 provides a property base map including the location of the property with respect to adjacent roadways, the proposed boundaries of the brownfield property, and the **adjacent property uses** clearly identified.

Adjacent Property Information:

Resident/Occupant	Property Address	Owner
Residential Building	101-13 101 st Street (Alternate Addresses: 101-13 GAR 101 st Street)	Allocco, Nicholas
Residential Building	101-18 102 nd Street (Alternate Addresses: 101-13 REAR 102 nd Street)	Ramcherita, Raeta
Residential Building	101-20 102 nd Street	Licari Nanette
Residential Building	101-26 102 nd Street (Alternate Addresses: 101-26 GAR 102 nd Street)	101-26 Street LLC
Residential Building	101-28 102 nd Street (Alternate Addresses: 101-28 GAR 102 nd Street)	Tulsidas, Chunilall
Residential Building	101-30 102 nd Street (Alternate Addresses: 101-30 GAR 102 nd Street)	Kibria, Shah M; Shah, Mahria
Residential Building	101-32 102 nd Street (Alternate Addresses: 101-32 GAR 102 nd Street)	Harripersaud, Mangri
Residential Building	101-36 102 nd Street (Alternate Addresses: 101-36 REAR 102 nd Street)	Maharajan, Kuppusamy

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Residential Building	101-44 102 nd Street (Alternate Addresses: 101-44 GAR 102 nd Street)	Choudri, Qaiser
Residential Building	101-48 102 nd Street	Jagbeer Kishore
Residential Building	101-50 102 nd Street (Alternate Addresses: 101-50 REAR 102 nd Street)	Ferrara, Joseph A; Ferrara Ralph J
Residential Building	101-52 102 nd Street (Alternate Addresses: 101-52 REAR 102 nd Street)	Budha, Alicia
Residential Building	101-54 102 nd Street (Alternate Addresses: 101-54 REAR 102 nd Street)	Hang, Hue
Safeguard Self Storage	101-09 103 rd Avenue (Alternate Addresses: 101-01 103 rd Avenue)	Safeguard NY LI, LLC
Parking Lot	101-50 101 st Street	Kimberland Corporation
Centre Interiors Woodworking	100-57 103 rd Avenue (Alternate Addresses: 101-55 100 th Street, 100-11 103 rd Avenue)	Kimberland Corporation
Parking Lot	Block 9418, Lot 21	Five Star Electric Corp.
Five Star Electric	101-32 101 st Street	Five Star Electric Corp.
Metropolitan Garment Cleaning	101-20 101 st Street	Sun Hen

Property Description Narrative:

Location:

The 101-21 101st Street BCP Site (the "Site") is located in an urban area. The Site is located to the east of 101st Street, approximately 318 feet north of the intersection of 103rd Avenue and 101st Street.

Site Features:

The 101-21 101st Street BCP Site consists of one rectangular-shaped parcel containing an area of 0.74-acres. The Site currently contains one two-story building utilized for self-storage located on the northern portion of the Site. The building at the Site was reportedly constructed in 1947 and was altered in 1996. There is an approximately 9 foot by 8 foot and 7-foot-deep basement present beneath the northwestern portion of the building and an approximately 100 foot by 10 foot and 10-foot-deep basement present beneath the western-central portion of the building. A parking lot covered with asphalt is present to the south of the Site building and concrete covered walkways are present to the east of the building.

A sump/floor vault is present beneath the partial basement in the middle of the building. In addition, several floor drains and waistline access panels are in the building, some have been capped. A drywell and a drainage trench are present adjacent to the southwestern exterior of the building.

Current Zoning and Land Use:

The Site is currently occupied by a self-storage company (Moving Right Along) and is zoned M1-2 for Light Industrial Use. The surrounding parcels are currently used for a combination of commercial and residential uses. Residential properties are located to the north (101-13 101st Street), northeast (101-18 102nd Street), east (101-20 through 101-52 102nd Street), and southeast (101-54 102nd Street). The Site is not located within a designated Environmental Zone (En-Zone).

Past Use of the Site:

The environmental history of the Site was identified through the review of prior investigation reports, Federal and State Environmental Databases, and Environmental Sanborn Fire Insurance Maps. A historical review of the 101-21 101st Street Site revealed the Site was occupied by a machine company (ELAN MACH CO) in the 1960s after which the property was used as a machine shop or for manufacturing in association with Ozone Metal Products Company/Ozone Industries from at least 1966 to 2004. Ozone Industries

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manufactured hydraulic equipment used in helicopters and small aircraft and utilized an underground trichloroethylene (TCE) tank at the Site. The NYSDEC has indicated that the Ozone Industries State Hazardous Waste Site (SHWS, Site No. 2-41-033) is primarily identified across the street west of 101-32 101st Street and has acknowledged that Ozone Industries previously operated at the 101-21 101st Street Site.

A review of historical reports indicates one 2,000-gallon trichloroethylene underground storage tank was previously located at the Site and/or may remain abandoned in place at the Site. The UST is registered to Ozone Industries (PBS ID #2-348155), was used by Ozone Industries during their manufacturing activities, was tank tightness tested by Ozone Industries in 1987 (NYSDEC Spill #87-04844) and was put out of service by Ozone Industries in late December 1988.

Prior reports reviewed for the Site included a Phase I Environmental Site Assessment (ESA) prepared by Aqua Terra Assessment Services, Corp. (Aqua Terra) dated October 28, 1999, an LSI Report prepared by ATC Group Services LLC dated December 10, 2019, a Phase II Limited Subsurface Investigation (LSI) conducted by Vertex dated May 23, 2022, and a Comprehensive Site Assessment (Phase I/II ESA) prepared by Touchstone Environmental Geology, PC dated October 6, 2023. The December 2019 LSI included the performance of a geophysical survey and soil, groundwater, and soil vapor sampling. The May 2022 LSI included the performance of a geophysical investigation and soil, groundwater, sub-slab soil vapor, and soil vapor sampling, as well as collecting indoor and outdoor ambient air samples. The Phase II portion of the October 2023 Comprehensive Site Assessment (CSA) included soil, groundwater, sub-slab soil vapor, and soil vapor sampling, as well as the collection of indoor and outdoor ambient air samples. According to previous investigations, the depth of water beneath the Site is approximately 19 to 30 feet below the grade surface. **Figure 4** provides a map of the historical sampling locations.

A BCP pre-application conference was held on January 5, 2024 with the NYSDEC to discuss entering the Site into the BCP.

Site Geology and Hydrogeology:

The Site is located in Queens, New York, in the western portion of Long Island. Long Island consists of a wedge-shaped mass of unconsolidated deposits that overlie ancient basement rock. The Site is located within the Embayed section of the Coastal Plain physiographic province, which is characterized by areas of low relief and consists of Cretaceous Coastal Plain sediments, primarily clay, sand, and gravel, that overlie igneous and metamorphic rocks that crop out in Connecticut. The surface of these rocks slope to the southeast, and the overlying Coastal Plain sediments slope and thicken in the same direction. Quaternary glacial deposits, primarily out-wash sand, and gravel, cover the Coastal Plain sediments on Long Island to depths of as much as 600 feet.

Near-surface geology in heavily developed areas such as the Site and vicinity are considered “urban land” and are characterized by a non-homogenous distribution of soil and fill types. Excavation and backfilling for building foundations, utility conduits, subway systems, and other construction results in a varied subsurface profile. In this setting, estimation of local subsurface parameters such as permeability, moisture content, and organic fraction is not feasible without site-specific testing data.

The October 2023 Phase II portion of the Comprehensive Site Assessment indicated that soil at the Site consisted of fill material that contained concrete, brick, and asphalt in a matrix of medium to coarse-grained sand with coal ash from 0 to 5 feet below grade in the location of SP-5. Depth to water at the Site was encountered at approximately 30 feet below ground surface and is expected to flow to the south-southwest in the direction of Jamaica Bay.

Environmental Assessment:

Based upon prior investigations and remedial work conducted at the Site, the primary contaminants of concern for the Site include volatile organic contaminants/chlorinated solvents, polyaromatic hydrocarbons (PAHs), and metals. Below is a summary of the analytical data detections in the December 2019 Limited Subsurface Report (LSR) performed by ATC, the May 2022 Limited Subsurface Investigation (LSI) performed by Vertex, and the October 2023 Phase II ESA performed by Touchstone.

Soil - The chlorinated volatile organic compound (CVOC) Trichloroethylene (TCE) (max of 6.40 mg/Kg in SB-2 [2019]) was detected at concentrations exceeding its Unrestricted Use Soil Cleanup Objective (UUSCO, 0.47 mg/Kg) and Protection of Groundwater (PGSCO) Standard (0.47 mg /Kg) in the shallow soils (0 to 5 feet) in the central, northern, and southwestern portions of the Site. None of the concentrations of TCE detected exceed the commercial use soil cleanup objective of 200 mg/kg.

Soil Vapor – Based upon the vapor and ambient air samples collected for the October 2023 CSA, the following compounds are present in the soil vapor at elevated levels requiring monitoring and/or mitigation according to the New York State Department of Health (NYSDOH) Soil Vapor Intrusion Decision Matrices because additional remediation is required:

- Mitigation: cis-1,2-Dichloroethene (max of 507 ug/m³ in SS-2 and 0.23 ug/m³ in IA-1), Tetrachloroethene (max of 4,340 ug/m³ in SS-1 and max of 15.3 ug/m³ in IA-2), and Trichloroethene (max of 49,000 ug/m³ in SS-2 and max of 4.16 ug/m³ in IA-2);

The compound 1,1,1-Trichloroethane (ranging from 26.2 in SV-1 to 62.2 ug/m³ in SV-2) was detected in the soil vapor beneath the Site.

In 2019 and 2022, the compounds 1,1,1-Trichloroethane (max of 1,450 ug/m³ in VTX-SG4 [2022]), cis-1,2-Dichloroethene (max of 3,270 ug/m³ in VTX-SG4 [2022]), Tetrachloroethene (max of 28,000 ug/m³ in VTX-SG1 [2022]), and Trichloroethene (max of 47,000 ug/m³ in VTX-SG3 [2022]) were detected in the soil vapor beneath the Site. Additionally, in 2022, the compounds Carbon tetrachloride (max of 0.648 ug/m³ in VTX-IA-1), cis-1,2-DCE (max of 0.86 ug/m³ in VTX-IA-1), Methylene chloride (max of 129 ug/m³ in VTX-IA-3), Tetrachloroethene (max of 21.6 ug/m³ in VTX-IA-1), and Trichloroethene (max of 11.2 ug/m³ in VTX-IA-5) were detected in the indoor air at the Site.

Groundwater – The chlorinated volatile organic compounds (CVOCs) Tetrachloroethene (max of 7.7 ug/L in VTX-TW-2 [2022]) and Trichloroethene (max of 26 ug/L in VTX-TW-3 [2022]) were detected in the groundwater to the east of the Site at concentrations exceeding their respective NYSDEC TOGS Standards. PAHs including benzo(a)anthracene (max of 0.13 ug/L in VTX-TW-5 [2022]), benzo(b)fluoranthene (max of 0.17 ug/L in VTX-TW-5 [2022]), benzo(k)fluoranthene (max of 0.09 ug/L in VTX-TW-5 [2022]), chrysene (max of max of 0.12 ug/L in VTX-TW-5 [2022]), and indeno(1,2,3-cd)pyrene (max of 0.12 ug/L in VTX-TW-5 [2022]) were detected in the groundwater beneath the Site at concentrations exceeding their respective NYSDEC TOGS Standards.

Section II. Project Description

Description of Overall Project Development:

The remedial project for the Site will be starting at the investigation stage with the remedial investigation expected to begin in May 2024. Remediation of the Site is anticipated to start upon approval of the Interim Remedial Measure Work Plan (IRMWP) and the remediation is anticipated to take approximately six months to complete. Therefore, the remedial program is projected to start in September 2024 and be completed by March 2025. Remediation at the Site is intended to make the current building safe for future occupants and to remediate any contaminants detected in the soil, soil vapor, and groundwater. There are no demolition activities proposed for the Site.

The project will be conducted under the direct oversight of the New York State Department of Environmental Conservation (NYSDEC). The following is a proposed schedule for the project.

Milestone	Date
Submit BCP Application	February 2024
Submit IRM Work Plan for SVE System	February 2024
30 Day Public Comment Period	March 2024
Execution of BCP Agreement	April 2024
Approval of Interim Remedial Measure Work Plan	April 2024
Performance of Pilot Test for IRM SVE System	April 2024
Submittal of Full Scale IRM SVE System Design	May 2024
Approval of Full Scale IRM SVE System Design	June 2024
Installation of IRM SVE System Design	July and August 2024
Submittal of Construction Completion Report for IRM	September 2024
Submit Remedial Investigation Work Plan and Citizen Participation Plan	April 2024
Remedial Investigation	May 2024
Submit Remedial Investigation Report and Remedial Action Work Plan	June 2024
Issue Remedial Fact Sheet and Implement RAWP	July 2024
Approve RAWP	August 2024
Perform Remedial Work	September 2024 – March 2025
Execute Environmental Easement (if necessary)	April 2025
Submit Site Management Plan	April 2025
Submit Final Engineering Report	April 2025
Certificate of Completion	May 2025

Section III. Land Use Factors

Zoning and Current Land Use:

The Site currently contains a two-story building occupied by a self-storage company (Moving Right Along) and is zoned M1-2 for Light Industrial Use. The surrounding parcels are currently used for a combination of commercial and residential uses. Residential properties are located to the north (101-13 101st Street), northeast (101-18 102nd Street), east (101-20 through 101-52 102nd Street), and southeast (101-54 102nd Street). The building at the Site was reportedly constructed in 1947 and was altered in 1996.

Anticipated Use:

The anticipated use of the Site as a commercial moving and storage facility is not expected to change. Since the Site use is not expected to change, a soil vapor extraction (SVE) system consisting of several soil vapor extraction pits will be installed beneath the Site. Additionally, an Interim Remedial Plan (IRM) is being submitted along with this application. The IRM will describe the proposed SVE system to be installed along the northern and eastern property boundaries to prevent soil vapor intrusion into the adjacent northern and eastern residential neighborhoods.

The anticipated post-remediation use of the Site is consistent with applicable community master plans or local redevelopment initiatives.

Furthermore, the proposed remediation of the Site would benefit the surrounding area as the installation of an SVE system will mitigate the potential for soil vapor intrusion into the existing Site building and adjacent residential buildings.

Section IV. Property's Environmental History

2. Sampling Data

The following prior reports are included with the application:

- *Phase I Environmental Site Assessment, 101-21 101st Street, Queens, New York, prepared by, Aqua Terra Assessment Services, Corp dated October 28, 1999, prepared for James Rueda.*
- *Limited Subsurface Investigation Report, Proposed Safeguard Self Storage Location, 101-21 101st Street, Ozone Park, New York, prepared by ATC Group services LLC of New York, New York, dated December 10, 2019, prepared for SafeGuard Self Storage.*
- *Phase II Limited Subsurface Investigation, Commercial Building, 101-21 101st Street, Queens, New York, prepared by The Vertex Companies, LLC of Branchburg, New Jersey, dated May 23, 2022 prepared for LSC Development, LLC.*
- *Comprehensive Site Assessment, 101-21 101st Street, Queens, New York, prepared by Touchstone Environmental Geology, PC of Centereach, New York, dated October 6, 2023, prepared for MRA, LLC.*

Concentrations in soil presented in the table below were detected above their respective CRUSCO and/or PGSCO Standards. Concentrations in groundwater presented in the table below were detected above their respective NYSDEC TOGS AWQS and/or NYSDEC TOGS-GA Standards. Concentrations in soil gas presented in the table below were detected at concentrations requiring monitoring or mitigation according to the NYSDOH Decision Matrices unless noted otherwise.

Soil Table:

Analytes > PGSCO	Detections > PGSCO	Max Detection (mg/kg)	PGSCO (mg/kg)	Depth (ft bgs)
Trichloroethene	3	6.4	0.47	0-5'
Lead	2	505	450	2.5-5'

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max Detection (ppb)	AWQS (ppb)
Tetrachloroethylene	3	7.7	5
Trichloroethylene	5	26	5
Benzo(a)anthracene	3	0.13	0.002
Benzo(b)fluoranthene	3	0.17	0.002
Benzo(k)fluoranthene	3	0.09	0.002
Chrysene	3	0.12	0.002
Indeno(1,2,3-cd)pyrene	3	0.12	0.002

Soil Gas Table:

Analytes	Total Detections	Max Detection (ug/m ³)	Type
1,1,1-Trichloroethane	8	476	Soil Vapor
1,1-Dichloroethylene	1	2.3	Soil Vapor
Carbon tetrachloride	4	0.57	Soil Vapor
cis-1,2-dichloroethylene	9	991	Soil Vapor
Methylene chloride	4	16	Soil Vapor
Tetrachloroethene	9	4,340	Soil Vapor
Trichloroethene	9	49,000	Soil Vapor
Vinyl chloride	1	0.18	Soil Vapor

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The NYSDOH provides screening levels for the eight highlighted compounds. **Figures 5A** and **5B** provide maps of the detections above standards in soil samples. **Figure 6** provides a map of the detections above standards in groundwater samples. **Figure 7** provides a map of the soil vapor detections.

Section V. Requestor Information

The sole member of MRA, LLC is James Rueda. See the attached Member Authorization designating authorized signatory.

Section VI. Requestor Eligibility

The Requestor, MRA, LLC, purchased the property from Tepper Realty, LLC on December 20, 1999 and relied upon the Phase I ESA he commissioned from Aqua Terra Assessment Services, Corp Phase I ESA dated October 28, 1999. The Aqua Terra Phase I ESA did not identify any Recognized Environmental Conditions (RECs) that required further action. After the Requestor purchased the property, he operated the building as a moving and storage facility. Requestor did not perform any major renovations of the building itself and only added interior storage units.

In December 2019 a prospective purchaser, Proposed Safeguard Self Storage, performed a Phase II at the Site. The investigation concluded that no VOCs, SVOCs or PCBs were identified above the NYSDEC RSCOs or CSCOs in soil samples collected and no VOCs or SVOCs were detected in the groundwater above the NYS TOGS Class GA guidance regulatory standards. Based upon the analytical data ATC did not recommend additional investigation. Further ATC attributed the elevated levels of VOCs in soil vapor to an off-site source. Based on the commercial nature of current and future property operations, ATC did not recommend additional investigation. ATC did recommend the placement of a vapor barrier below the **proposed** building (anticipated to be built by the prospective purchaser) as a precautionary measure.

In May 2022 another prospective purchaser, LSC Development, performed a Phase II Limited Subsurface Investigation at the Site. The results of the investigation were inconclusive as to the on-site source of CVOC impacts. The report indicates soil exceedances were not identified during the Phase II LSI; however, based on the other results of the Phase II LSI (summarized below), a hot spot area/area of SVOC contamination is likely to be encountered during Site redevelopment. Elevated levels of CVOCs were identified in the groundwater beneath the Site and in the soil vapor. Based upon these results VERTEX gave a menu of different remedial options, none of which included notifying the NYSDEC of a release and none of which included a time frame. Based upon the results of this report, the Requestor hired his own environmental consultants.

In June 2023, Touchstone performed a Subsurface Investigation at the Site. The results indicated that significant levels of CVOCs were present in the soil, groundwater soil vapor and indoor air of the Site. The report recommended the NYSDEC be notified that the remediation of State Hazardous Waste Site (SHWS) Ozone Industries, Site No. 2-41-033 is incomplete. The Phase II ESA was published on October 6, 2023. Prior to the report being published, Rachel Ataman, the Requestors consultant, in coordination with Mr. James Rueda of MRA, LLC contacted Jane O'Connell of the NYSDEC to discuss the results of the investigation on September 18, 2023. Jane directed Rachel Ataman to contact Javier Perez-Maldonado, the Ozone Industries case manager on September 25, 2023 and Javier Perez-Maldonado was emailed to discuss the project on September 25, 2023. On September 28, 2023, the Requestor and his consultant discussed the project with the NYSDEC. The purpose of the call was to help determine if the project was part of the Ozone Industries State Hazardous Waste Site. On November 30, 2023 the NYSDEC suggested a formal pre-app meeting to discuss the Site and the issues that may affect eligibility into the BCP. The Requestor's team responded immediately and submitted a BCP pre application on December 14, 2024.

The Requestor has no relationship with any prior owners of the Site and has not engaged in any operations at the Site prior to purchasing the property. The Requestor purchased the Site in December 1999 after which the Site building was converted to its current use as a storage facility in 2000 and has been used as a storage facility to present day.

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Since acquiring the title to the property, the Requestor has not engaged in any activities involving hazardous wastes or hazardous substances at the Site and verifies, to the best of its knowledge, that no hazardous substances have been released at the Site. The Requestor has exercised due care by fencing in the Site parking lot to prevent public access and moving its office employees out of the building. In addition, the Requestor sought the advice of its own environmental consultants after obtaining the information from the December 2019 and May 2022 investigations conducted by prospective purchasers. The requestor contacted the NYSDEC when he was advised to and intends to perform the additional remediation required to make the Site safe for future occupancy under the auspices of NYSDEC pursuant to the BCP.

As a result, the Requestor should be eligible as a Volunteer for the BCP to address contamination on the Site caused by previous owners and operators.

Section VIII Program Fee

The Requestor respectfully requests a waiver of the \$50,000 application fee.

Pursuant to the Department's proposed policy (as set forth in the proposed draft Part 375 Regulations released to the public on February 14, 2024) a Requestor has the ability to waive payment of the \$50,000 Brownfield Cleanup Program Fee under four scenarios, as set forth below.

Part 375-3.5 "Brownfield site cleanup agreements" subsection (g) states that:

"(g) The applicant shall submit with every brownfield cleanup agreement a non-refundable program fee of \$50,000 unless the applicant is eligible for a program fee waiver. An applicant will only be eligible for a program fee waiver if:

1. The applicant and department agree to a provision in the brownfield cleanup agreement which states that the applicant will develop the brownfield site with the dedication of 100 percent of the residential rental or home ownership units in an affordable housing project to tenants or homeowners at a defined maximum percentage of area median income based on the occupants' household's annual income;
2. The applicant and department agree to a provision in the brownfield cleanup agreement which states that the applicant, which is otherwise eligible for tangible property tax credits, waives its eligibility for tangible property tax credits under Section 21 of the Tax Law;
3. The applicant is exempted from taxes under articles nine, nine-a, twenty-two or thirty-three of the tax law; or
4. More than half of the brownfield site is within a disadvantaged community and the applicant demonstrates, through submittal of third-party attestations or certifications that, but for the program fee, the remediation and redevelopment of the brownfield site would not be financially viable for the applicant and economically viable in the disadvantaged community."

Under option 2 of the Department's proposed policy, set forth above, the Requestor can waive the program fee regardless of a showing of financial hardship. Waiving the eligibility to tangible property tax credits under Section 21 of the Tax Law triggers this fee waiver option. The Requestor is foregoing the possibility of developing the Site in a way that may trigger its eligibility for tangible property tax credits. This waiver of eligibility should suffice to make this fee waiver option available to the Requestor.

Section IX. Current Property Owner/Operator Information

List of Current/Previous Property Owners	Years of Ownership/ Operation	List of Previous Operators	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
WIEBEL REALTY CORP	Unknown-1967	<i>Residential Listings and Machine Company (ELAN MACH CO, 1962)</i>	Bacon Road, Old Westbury, NY	None
			101-32 101 st Street, Ozone Park, NY 11416	
ROSE K WIEBEL	1967-1975	<i>Residential Listings and Machine Company (ELAN MACH CO, 1967)/ Machine Shop</i>	301 Palm Drive, Largo, FL 33770	None
Joy Manufacturing Co	1975-1987	Machine Shop	1200 Oliver Building, Pittsburgh, PA 15222	None
			301 Grant Street, Pittsburgh, PA 15219	
Ozone Industries Inc	1987-1995	Ozone Industries (manufacturing/machine shop)	101-32 101 st Street, Ozone Park, NY 11416	None
			29 Industrial Park Road, East Lyme, CT 06333	
Tepper Realty, LLC	1995-1996	Ozone Industries (manufacturing/machine shop)	52-12 260 th Street, Little Neck, NY 11362	None
			57-12 260 th Street, Little Neck, NY 11362	
			101-32 101 st Street, Ozone Park, NY 11416	
NYC Industrial Development Agency	1995-1999	Ozone Industries (manufacturing/machine shop) <i>AMSTER NOVELTY CO (1995-1999)</i>	110 William Street, New York, NY 10038	None
MRA, LLC	1999-Present	<i>DEBONO BROTHERS BUILDERS DEVELOPERS (2005), MOVING RIGHT ALONG (2005-2020), MRA Express (2010); Storage and Moving (2005-2006)</i>	8920 Cooper Avenue, Glendale, NY 11382	Requestor
			10121 101 st Street, Ozone Park, NY 11416	

The property owner, MRA, LLC, took ownership of the property on December 20, 1999.

The past operators identified in Historic City Directories were provided in this application and are presented as italicized text.

The past owners identified on the New York City Department of Finance Automated City Register Information System (ACRIS) were provided in this application. Addresses for past owners were obtained via the deeds identified on the NYC DOF ACRIS.

Section XI. Contact List Information

1. Chief Executive Officer and Planning Board Chairperson:

Title	Name	Address
Queens Borough President	Donovan Richards	Office of the Queens Borough President Queens Borough Hall 120-55 Queens Boulevard One Claire Shulman Way Kew Gardens, NY 11424
Community Board Chairperson – Queens Community Board 9	Sherry Algreto	Queens Borough Hall 120-55 Queens Boulevard, Room 310A Kew Gardens, NY 11424

Office of the Mayor of New York City:

Eric Adams
City Hall
City Hall Park
New York, NY 10007

Chair of the New York City Planning Commission:

Dan Garodnick
Queens Office:
120-55 Queens Blvd, Room 201
Kew Gardens, NY 11424

2. Residents, Owners, Occupants:

Site:

Resident / Occupant	Property Address	Property Owner	Property Owner Address
Moving Right Along	101-21 101 st Street (Alternate Address: 101-17 101 st Street)	MRA, LLC C/O Jim Rueda	10121 101 st Street, Ozone Park, NY 11416

Adjacent Properties:

Resident/Occupant	Property Address	Owner	Property Owner Address
Residential Building	101-13 101 st Street (Alternate Addresses: 101- 13 GAR 101 st Street)	Allocco, Nicholas	101-13 101 st Street, Ozone Park, NY 11416
Residential Building	101-18 102 nd Street (Alternate Addresses: 101- 13 REAR 102 nd Street)	Ramcherita, Raeta	10118 102 nd Street Ozone Park, NY 11416
Residential Building	101-20 102 nd Street	Licari Nanette	10120 102 nd Street Ozone Park, NY 11416
Residential Building	101-26 102 nd Street (Alternate Addresses: 101- 26 GAR 102 nd Street)	101-26 Street LLC	10126 102 nd Street Ozone Park, NY 11416
Residential Building	101-28 102 nd Street (Alternate Addresses: 101- 28 GAR 102 nd Street)	Tulsidas, Chunilall	101-18 102 nd Street Ozone Park, NY 11416
Residential Building	101-30 102 nd Street (Alternate Addresses: 101- 30 GAR 102 nd Street)	Kibria, Shah M; Shah, Mahria	10130 102 nd Street Ozone Park, NY 11416

BCP Application
April 15, 2024

Residential Building	101-32 102 nd Street (Alternate Addresses: 101-32 GAR 102 nd Street)	Harripersaud, Mangri	10132 102 nd Street Ozone Park, NY 11416
Residential Building	101-36 102 nd Street (Alternate Addresses: 101-36 REAR 102 nd Street)	Maharajan, Kuppusamy	10136 102 nd Street Ozone Park, NY 11416
Residential Building	101-44 102 nd Street (Alternate Addresses: 101-44 GAR 102 nd Street)	Choudri, Qaiser	11550 237 th Street Elmont, NY 11003
Residential Building	101-48 102 nd Street	Jagbeer Kishore	10148 102 nd Street Ozone Park, NY 11416
Residential Building	101-50 102 nd Street (Alternate Addresses: 101-50 REAR 102 nd Street)	Ferrara, Joseph A; Ferrara Ralph J	10150 102 nd Street Ozone Park, NY 11416
Residential Building	101-52 102 nd Street (Alternate Addresses: 101-52 REAR 102 nd Street)	Budha, Alicia	10152 102 nd Street Ozone Park, NY 11416
Residential Building	101-54 102 nd Street (Alternate Addresses: 101-54 REAR 102 nd Street)	Hang, Hue	10154 102 nd Street Ozone Park, NY 11416
Safeguard Self Storage	101-09 103 rd Avenue (Alternate Addresses: 101-01 103 rd Avenue)	Safeguard NY LI, LLC C/O Safeguard Operations	3384 Peachtree Rd. / 4 th F Asset Management, Atlanta, GA 30326
Parking Lot	101-50 101 st Street	Kimberland Corporation	10001 103 rd Avenue Ozone Park, NY 11417
Centre Interiors Woodworking	100-57 103 rd Avenue (Alternate Addresses: 101-55 100 th Street, 100-11 103 rd Avenue)	Kimberland Corporation	10001 103 rd Avenue Ozone Park, NY 11417
Parking Lot	Block 9418, Lot 21	Five Star Electric Corp.	10132 101 st Street Ozone Park, NY 11416
Five Star Electric	101-32 101 st Street	Five Star Electric Corp.	10132 101 st Street Ozone Park, NY 11416
Metropolitan Garment Cleaning	101-20 101 st Street	Sun Hen	6929 Harrow Street Forest Hills, NY 11375

3. Local News Media:

Queens Chronicle
Shops at Atlas Park
71-19 80th Street, Suite 8-201
Glendale, NY 11385
(718) 205-8000

New York Daily News
4 New York Plaza
New York, NY 10004

New York Post
1211 Avenue of the Americas
New York, NY 10036-8790

Queens Daily Eagle
8900 Sutphin Boulevard, Lower Suite LL11
Jamaica, Queens, NY 11435

4. Public Water Supplier:

Supplier Name	Address
New York City Department of Environmental Protection (NYCDEP)	Customer Service Center 59-17 Junction Boulevard, 13 th Floor, Flushing, NY 11373

5. Persons Requesting to be Placed on Contact List:

Requestor	Address
MRA, LLC	10121 101 st Street Ozone Park, NY 11205
Consultant	Address
Touchstone Environmental Geology, PC	1919 Middle Country Road, Suite 205 Centereach, NY 11720
Attorney	Address
George Duke, Esq. - Connell Foley LLP	875 Third Avenue 21st Floor New York, NY 10022

6. Administrators of Schools or Day Care Facilities Located on or Near Property:

None.

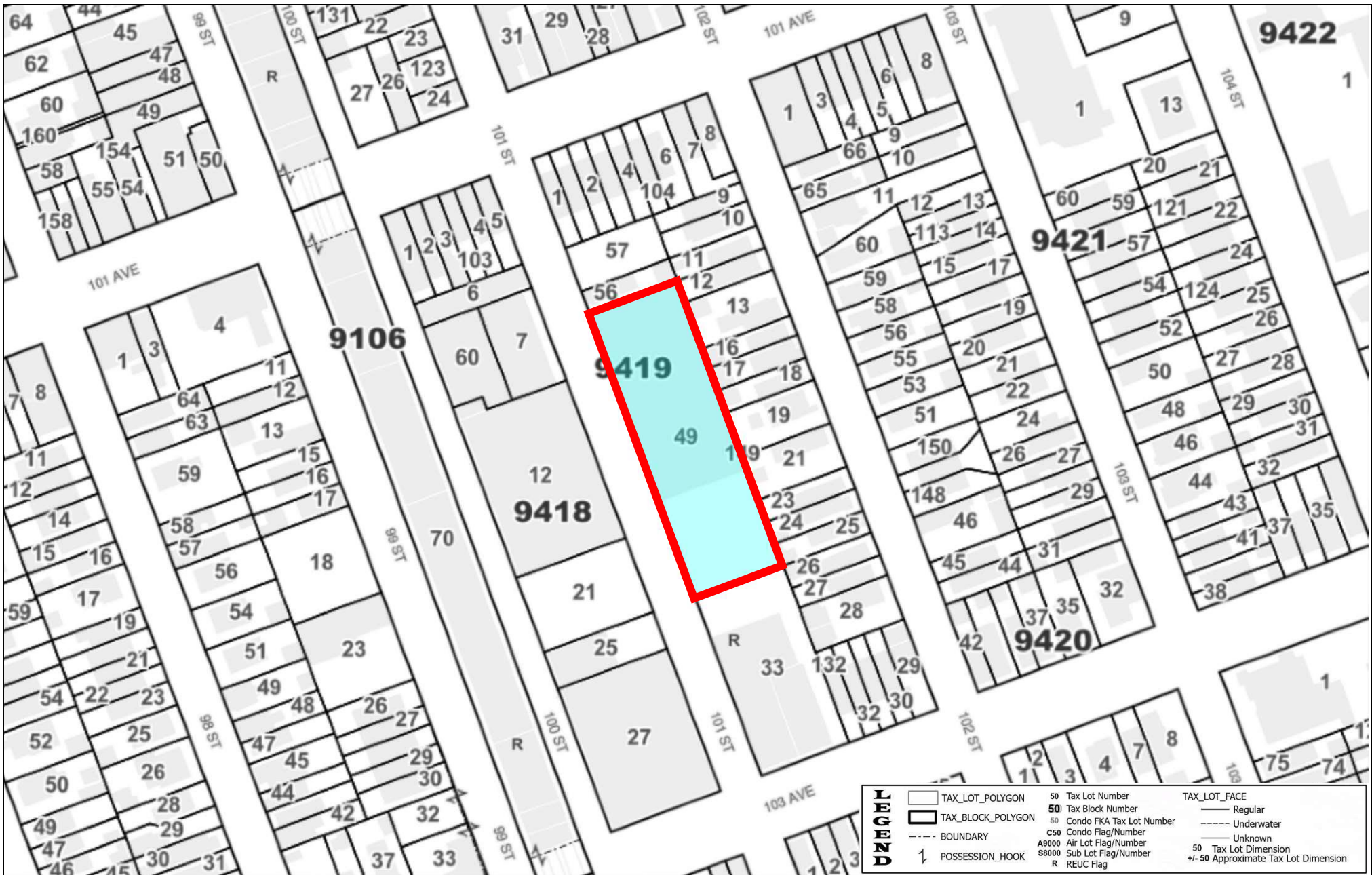
7. Location of Document Repository and Community Board:

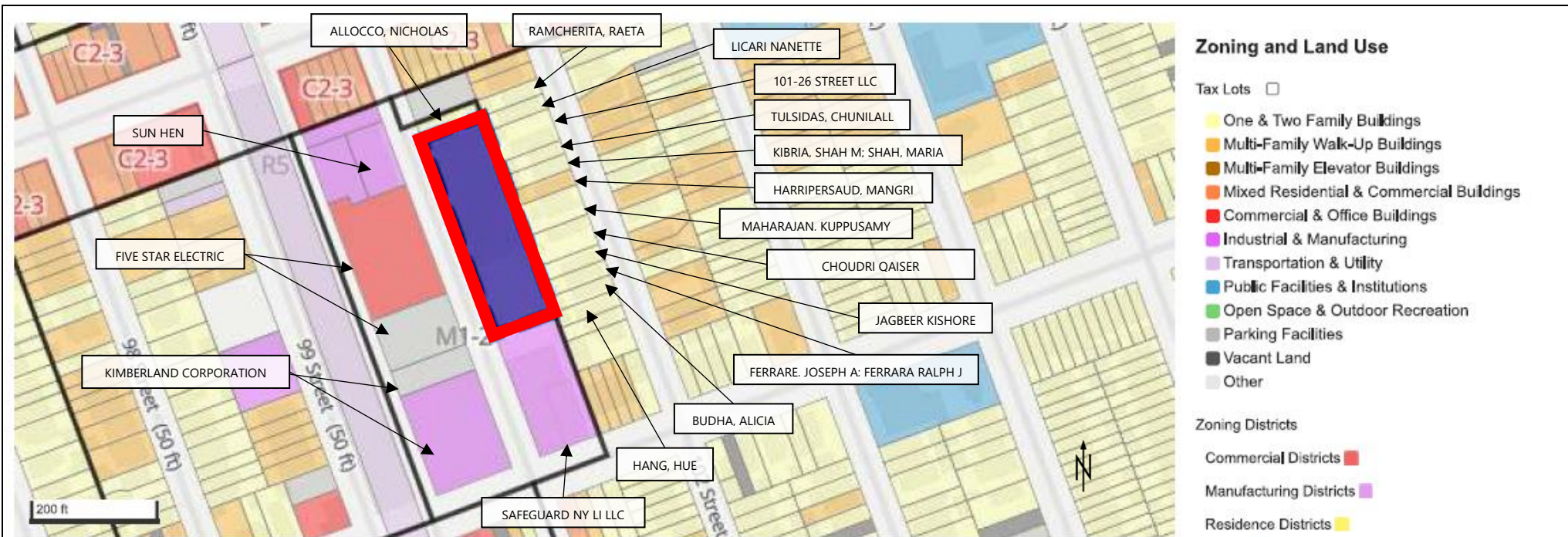
Queens Public Library at Ozone Park
92-24 Rockaway Boulevard,
Ozone Park, NY 11417
718-845-3127

Hours:
Mon CLOSED
Wed 10 AM – 6 PM
Fri 10 AM – 6 PM
Sun CLOSED
Tues 1 PM – 6 PM
Thurs 12 PM – 8 PM
Sat 10 AM – 5 PM

Queens Community Board 9
120-55 Queens Boulevard, Room 310A
Kew Gardens, NY 11424
Phone: 718-286-2686
Email: qn09@cb.nyc.gov

Attachment B provides confirmation from the Queens Community Board and the Queens Public Library at Ozone Park to be the document repositories for the Site.





101-21 101 STREET, 11416

Queens (Borough 4) | Block 9419 | Lot 49

TAX LOT | BBL 4094190049

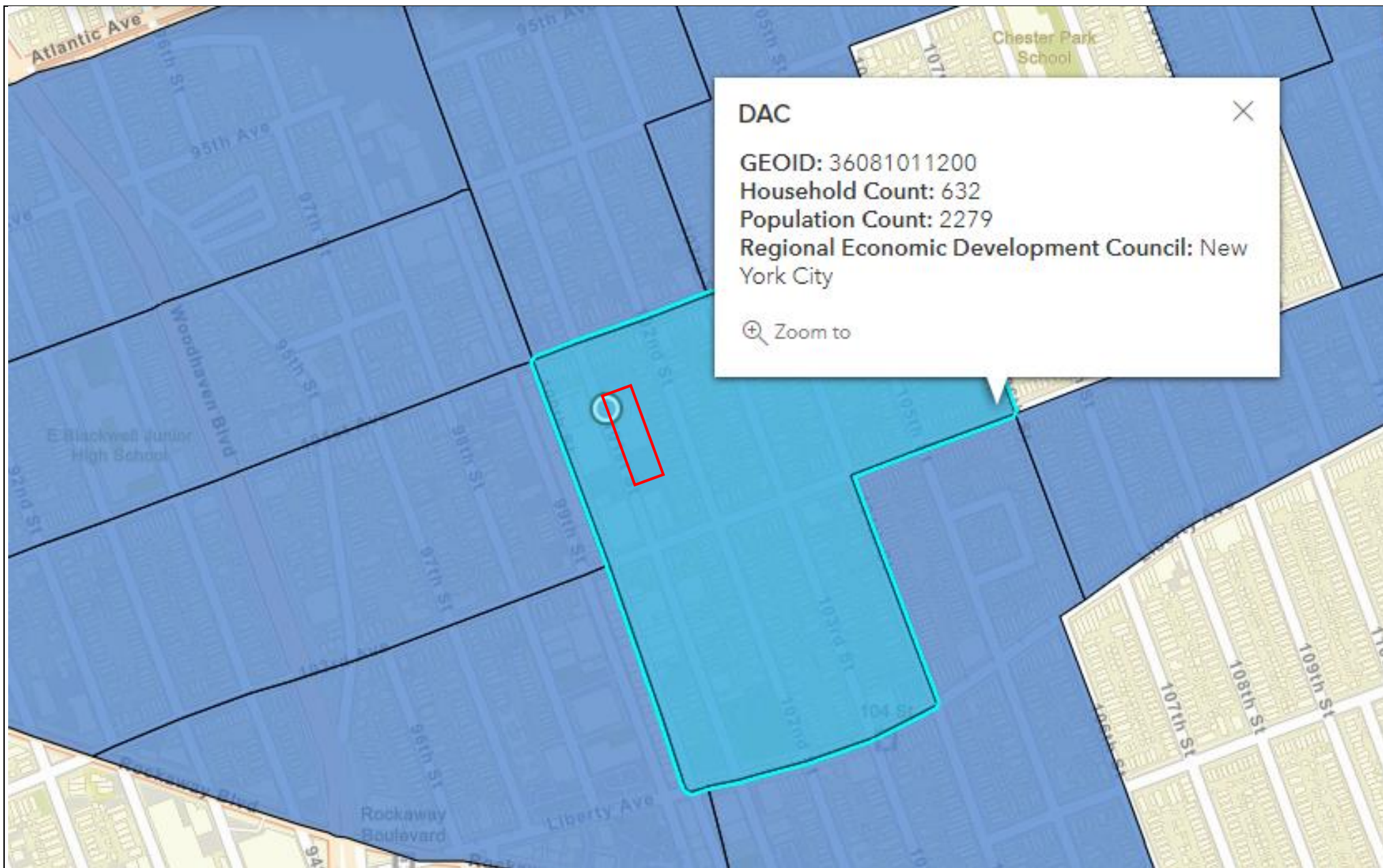
Resident/Occupant	Property Address	Owner
Residential Building	101-13 101 st Street (Alternate Addresses: 101-13 GAR 101 st Street)	Allocco, Nicholas
Residential Building	101-18 102 nd Street (Alternate Addresses: 101-13 REAR 102 nd Street)	Ramcherita, Raeta
Residential Building	101-20 102 nd Street	Licari Nanette
Residential Building	101-26 102 nd Street (Alternate Addresses: 101-26 GAR 102 nd Street)	101-26 Street LLC
Residential Building	101-28 102 nd Street (Alternate Addresses: 101-28 GAR 102 nd Street)	Tulsidas, Chunilall
Residential Building	101-30 102 nd Street (Alternate Addresses: 101-30 GAR 102 nd Street)	Kibria, Shah M; Shah, Mahria
Residential Building	101-32 102 nd Street (Alternate Addresses: 101-32 GAR 102 nd Street)	Harripersaud, Mangri
Residential Building	101-36 102 nd Street (Alternate Addresses: 101-36 REAR 102 nd Street)	Maharajan, Kuppusamy
Residential Building	101-44 102 nd Street (Alternate Addresses: 101-44 GAR 102 nd Street)	Choudri, Qaiser
Residential Building	101-48 102 nd Street	Jagbeer Kishore
Residential Building	101-50 102 nd Street (Alternate Addresses: 101-50 REAR 102 nd Street)	Ferrara, Joseph A; Ferrara Ralph J
Residential Building	101-52 102 nd Street (Alternate Addresses: 101-52 REAR 102 nd Street)	Budha, Alicia
Residential Building	101-54 102 nd Street (Alternate Addresses: 101-54 REAR 102 nd Street)	Hang, Hue
Safeguard Self Storage	101-09 103 rd Avenue (Alternate Addresses: 101-01 103 rd Avenue)	Safeguard NY LI, LLC
Parking Lot	101-50 101 st Street	Kimberland Corporation
Centre Interiors Woodworking	100-57 103 rd Avenue (Alternate Addresses: 101-55 100 th Street, 100-11 103 rd Avenue)	Kimberland Corporation
Parking Lot	Block 9418, Lot 21	Five Star Electric Corp.
Five Star Electric	101-32 101 st Street	Five Star Electric Corp.
Metropolitan Garment Cleaning	101-20 101 st Street	Sun Hen

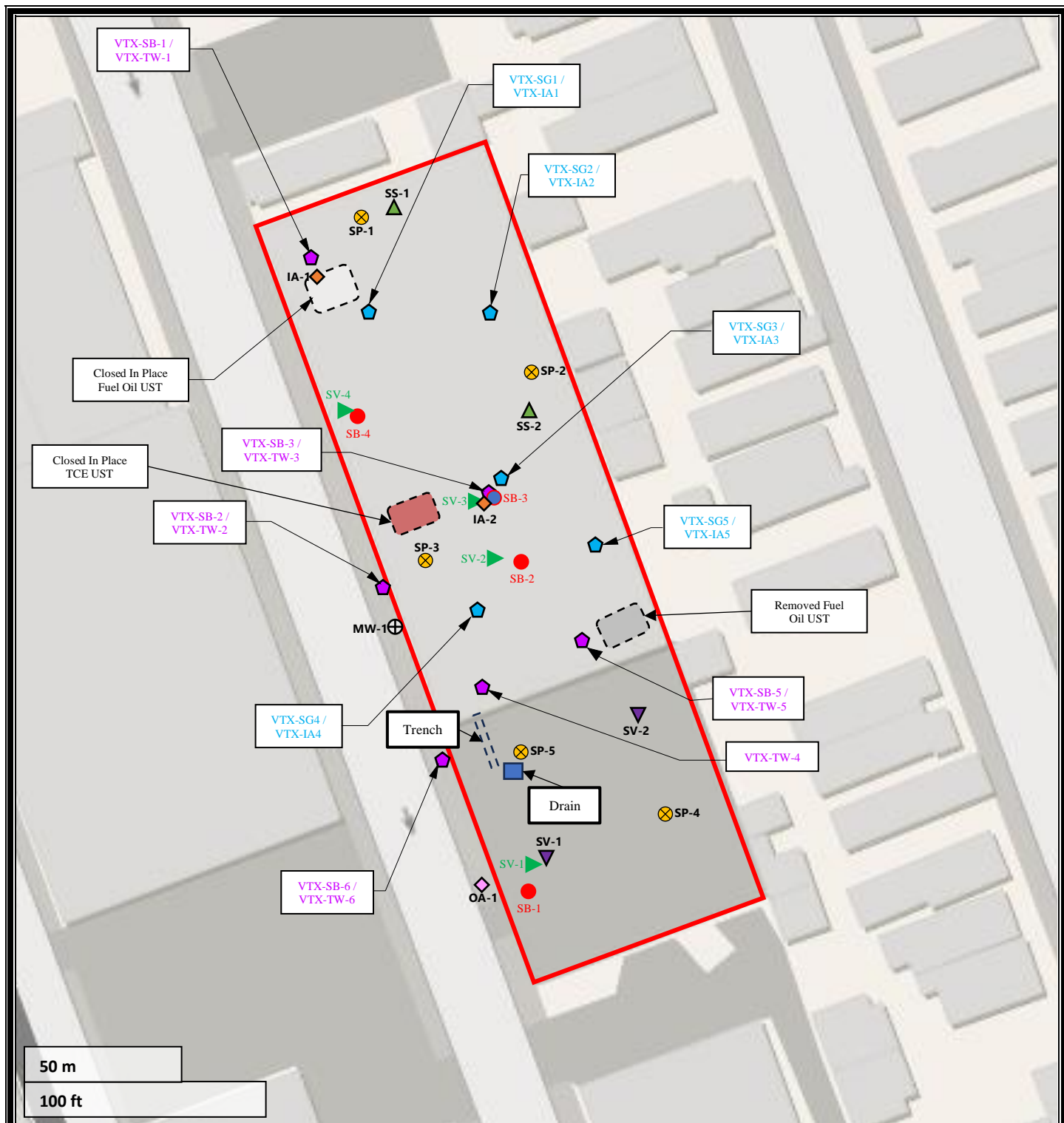
TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.

Scale: AS NOTED,
Site Boundary:

101-21 101st Street,
Ozone Park, NY

FIGURE 2: PROPERTY BASE
MAP





Key:

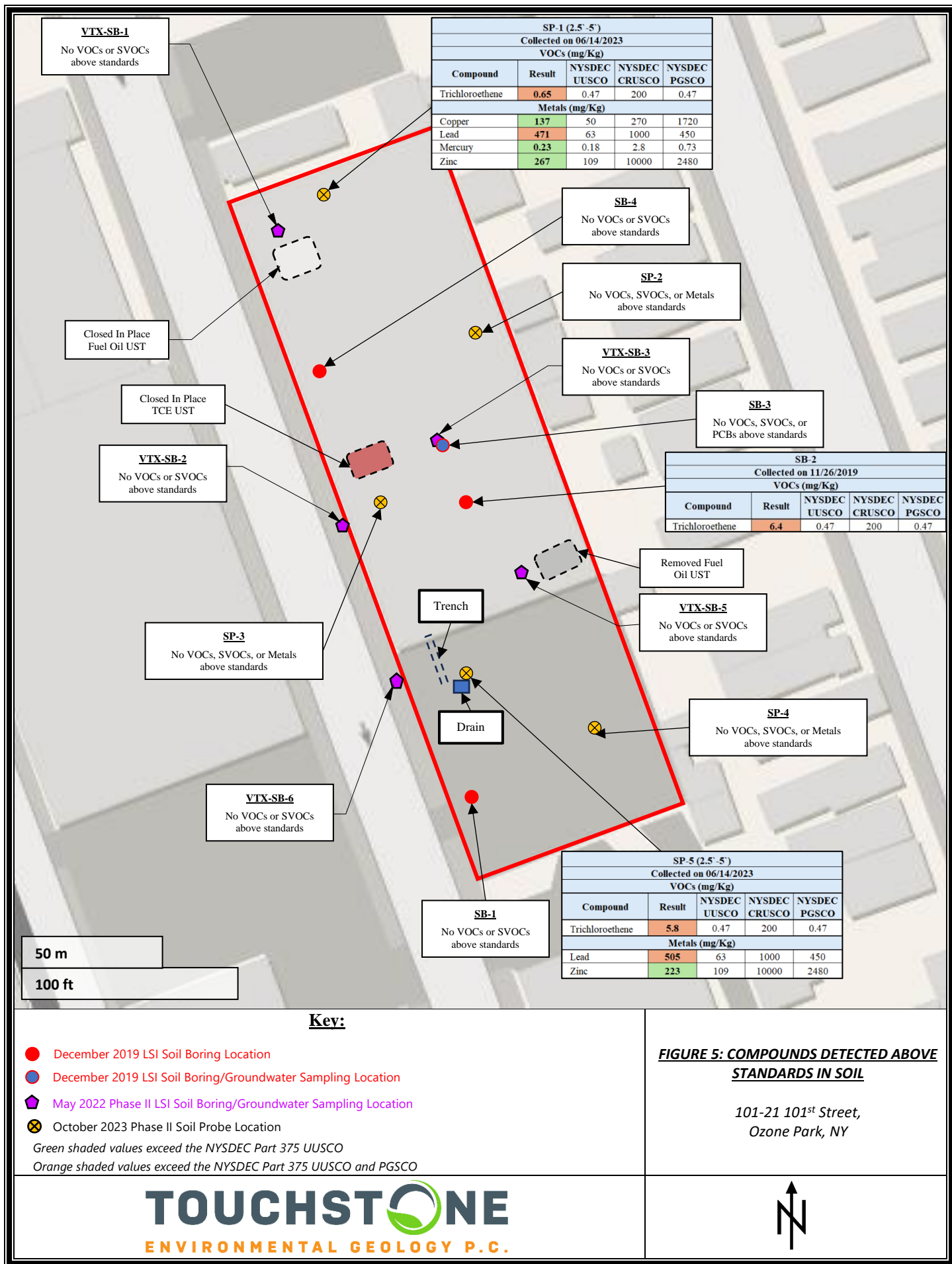
- | | |
|---|---|
| ● December 2019 LSI Soil Boring Location | ● December 2019 LSI Soil Boring/Groundwater Sampling Location |
| ▶ December 2019 LSI Soil Vapor Probe Location | ● May 2022 Phase II LSI Soil Gas/Indoor Air Sampling Location |
| ● May 2022 Phase II LSI Soil Boring/Groundwater Sampling Location | ▲ October 2023 Phase II Soil Vapor Probe Location |
| ⊕ October 2023 Phase II Monitoring Well Sampling Location | ◆ October 2023 Phase II Indoor Air Sampling Location |
| ▲ October 2023 Phase II Sub-Slab Vapor Probe Location | ⊗ October 2023 Phase II Soil Probe Location |
| ◆ October 2023 Phase II Outdoor Air Sampling Location | |

FIGURE 4: SAMPLING PLAN

101-21 101st Street,
Ozone Park, NY

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.





VTX-TW-1		
Collected 5/9/2022		
SVOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Benzo(a)anthracene	0.11	0.002
Benzo(a)pyrene	0.07	0
Benzo(b)fluoranthene	0.12	0.002
Benzo(k)fluoranthene	0.08	0.002
Chrysene	0.10	0.002
Indeno(1,2,3-cd)pyrene	0.09	0.002

VTX-TW-3		
Collected 5/10/2022		
VOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Tetrachloroethene	7.2	5
Trichloroethene	26.0	5

SB-3 WS
No VOCs or SVOCs detected above the standard.

VTX-TW-5		
Collected 5/10/2022		
VOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Trichloroethene	7.5	5
SVOCs (ug/L)		
Benzo(a)anthracene	0.08	0.002
Benzo(a)pyrene	0.06	0
Benzo(b)fluoranthene	0.09	0.002
Benzo(k)fluoranthene	0.04	0.002
Chrysene	0.07	0.002
Indeno(1,2,3-cd)pyrene	0.05	0.002

Closed In Place
Fuel Oil UST

Closed In Place
TCE UST

VTX-TW-2		
Collected 5/9/2022		
VOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Tetrachloroethene	7.7	5
Trichloroethene	7.6	5

MW-1		
Collected 6/14/2023		
VOCs (ug/L)		
Compound	Result	NY-TOGS
Tetrachloroethene	5.5	5
Trichloroethene	5.7	5

Removed Fuel
Oil UST

Trench

Drain

VTX-TW-6		
Collected 5/10/2022		
VOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Trichloroethene	22.0	5

VTX-TW-4		
Collected 5/10/2022		
SVOCs (ug/L)		
Compound	Result	NY-TOGS- GA
Benzo(a)anthracene	0.08	0.002
Benzo(a)pyrene	0.06	0
Benzo(b)fluoranthene	0.09	0.002
Benzo(k)fluoranthene	0.04	0.002
Chrysene	0.07	0.002
Indeno(1,2,3-cd)pyrene	0.05	0.002

50 m

100 ft

Key:

- December 2019 LSI Soil Boring/Groundwater Sampling Location
- May 2022 Phase II LSI Soil Boring/Groundwater Sampling Location
- October 2023 Phase II Monitoring Well Sampling Location

**FIGURE 6: COMPOUNDS DETECTED
ABOVE STANDARDS IN GROUNDWATER**

101-21 101st Street,
Ozone Park, NY

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.



SV-4	
VOCs (ug/m3)	
Acetone	174
Benzene	5.43
Carbon disulfide	5.29
Chloroform	8.3
Chloromethane	0.85
Carbon tetrachloride	0.44
Cyclohexane	1.62
Dichlorodifluoromethane	3.16
Cis-1,2-Dichloroethylene	59.5
Ethylbenzene	1.78
4-Ethyltoluene	1.08
Heptane	2.13
Hexane	4.23
Methylene chloride	3.82
1,1,1-Trichloroethane	24.6
1,2,4-Trimethylbenzene	3
1,3,5-Trimethylbenzene	0.47
Tertiary Butyl Alcohol	5.46
Tetrachloroethylene	1,763
Toluene	10.2
Trichloroethylene	3,654
Trichlorofluoromethane	1.35
m, p-Xylene	6.95

SV-3	
VOCs (ug/m3)	
Acetone	48.7
Benzene	2.88
Chloroethane	1.66
Chloroform	68.9
Carbon tetrachloride	0.57
Cyclohexane	1.82
Dichlorodifluoromethane	16.3
Cis-1,2-Dichloroethylene	246
Ethylbenzene	3.52
4-Ethyltoluene	1.67
Heptane	2.17
Hexane	5.29
Methylene chloride	11.5
1,1,1-Trichloroethane	82.4
1,2,4-Trimethylbenzene	5.41
1,3,5-Trimethylbenzene	1.33
Tertiary Butyl Alcohol	11.5
Tetrachloroethylene	881
Tetrahydrofuran	7.96
Toluene	20
Trichloroethylene	5,911
Trichlorofluoromethane	1.52
m, p-Xylene	11.7

SV-2	
VOCs (ug/m3)	
Acetone	97.2
Benzene	8.31
Carbon disulfide	2.86
Chloroform	89.9
Carbon tetrachloride	0.5
Cyclohexane	2.48
1,1-Dichloroethylene	2.3
Dichlorodifluoromethane	429
Cis-1,2-Dichloroethylene	555
Ethylbenzene	4.04
4-Ethyltoluene	2.11
Hexane	7.4
Methylene chloride	10.1
Styrene	0.55
1,1,1-Trichloroethane	476
1,2,4-Trimethylbenzene	5.9
1,3,5-Trimethylbenzene	1.47
Tertiary Butyl Alcohol	13.3
Tetrachloroethylene	1,424
Tetrahydrofuran	5.01
Toluene	18.5
Trichloroethylene	28,483
Trichlorofluoromethane	1.4
m, p-Xylene	13.5

SV-1	
VOCs (ug/m3)	
Acetone	88.6
Benzene	9.9
Carbon disulfide	2.68
Chloroform	11.2
Carbon tetrachloride	0.57
Cyclohexane	5.51
Dichlorodifluoromethane	2.32
Cis-1,2-Dichloroethylene	21.4
Ethylbenzene	6.08
4-Ethyltoluene	1.62
Heptane	11.5
Hexachlorobutadiene	1.81
Hexane	18.7
Methylene chloride	16
1,1,1-Trichloroethane	16.9
1,2,4-Trimethylbenzene	4.47
1,3,5-Trimethylbenzene	1.28
2,2,4-Trimethylpentane	5.6
Tertiary Butyl Alcohol	17.6
Tetrachloroethylene	26.4
Tetrahydrofuran	2.04
Toluene	46.7
Trichloroethylene	913
Trichlorofluoromethane	1.35
Vinyl chloride	0.18
m, p-Xylene	20

50 m

100 ft

Key:

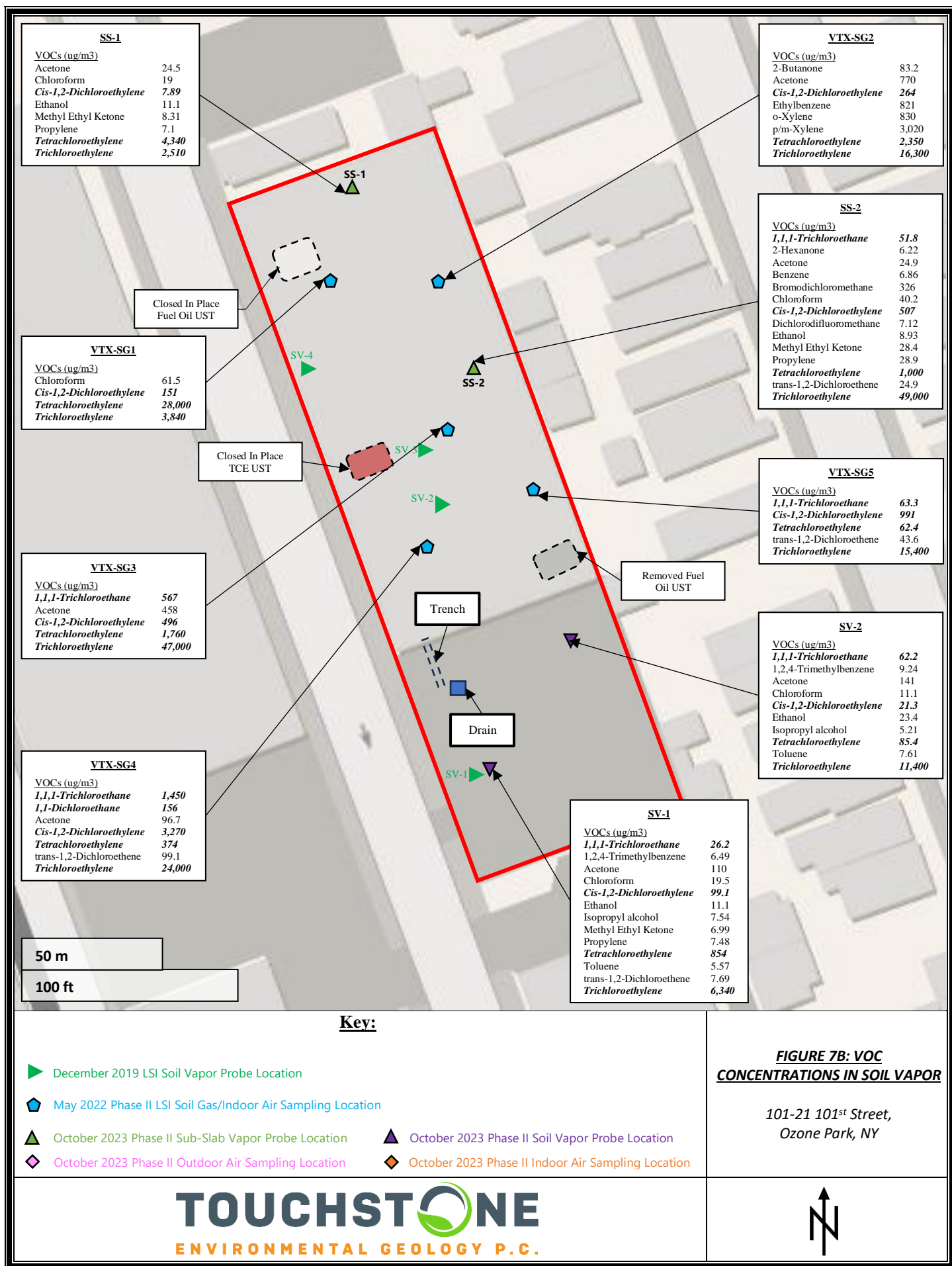
- ▶ December 2019 LSI Soil Vapor Probe Location
- ⬢ May 2022 Phase II LSI Soil Gas/Indoor Air Sampling Location
- ▲ October 2023 Phase II Sub-Slab Vapor Probe Location
- ◆ October 2023 Phase II Outdoor Air Sampling Location
- ▼ October 2023 Phase II Soil Vapor Probe Location
- ◇ October 2023 Phase II Indoor Air Sampling Location

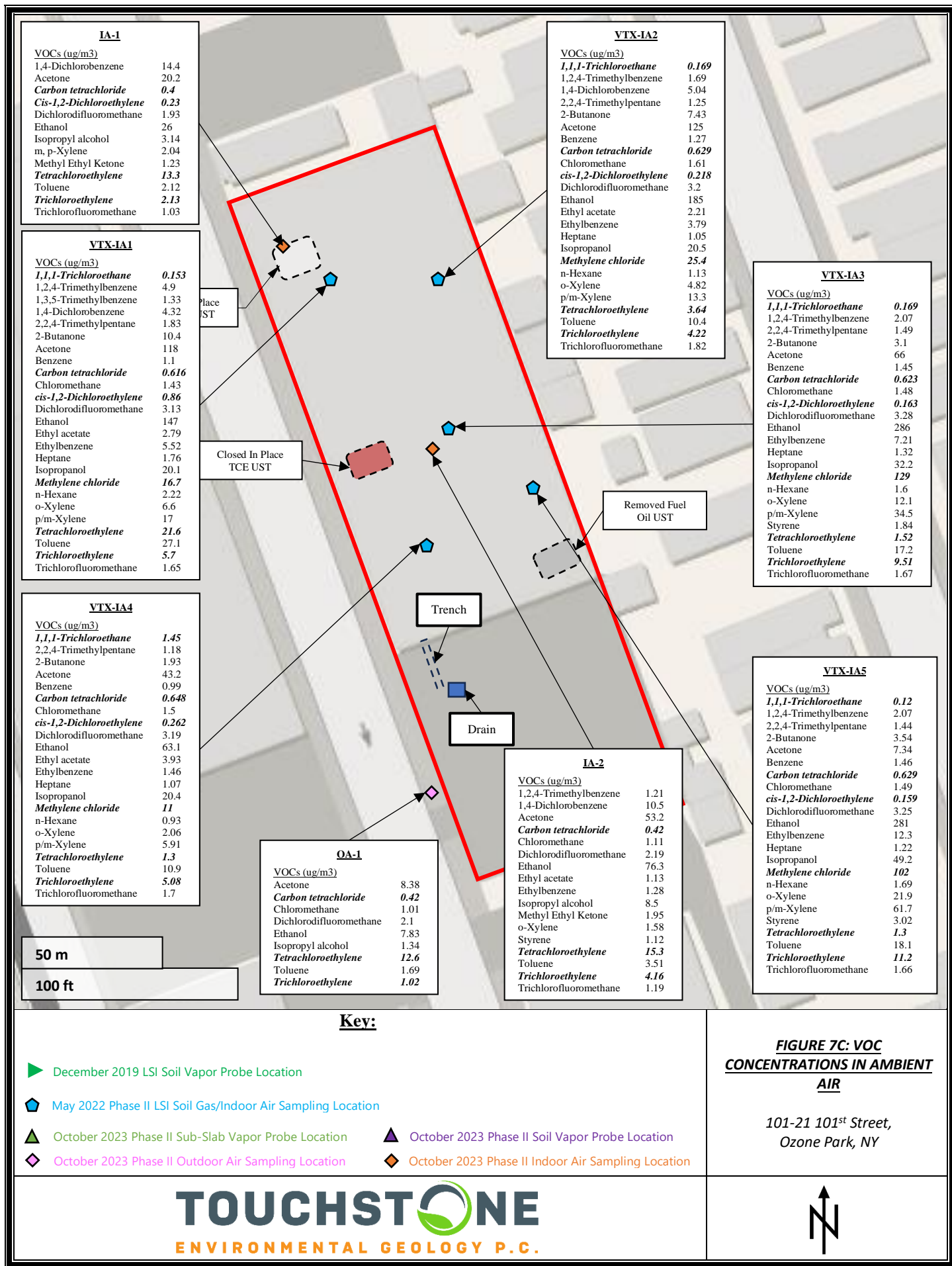
FIGURE 7A: VOC CONCENTRATIONS IN SOIL VAPOR

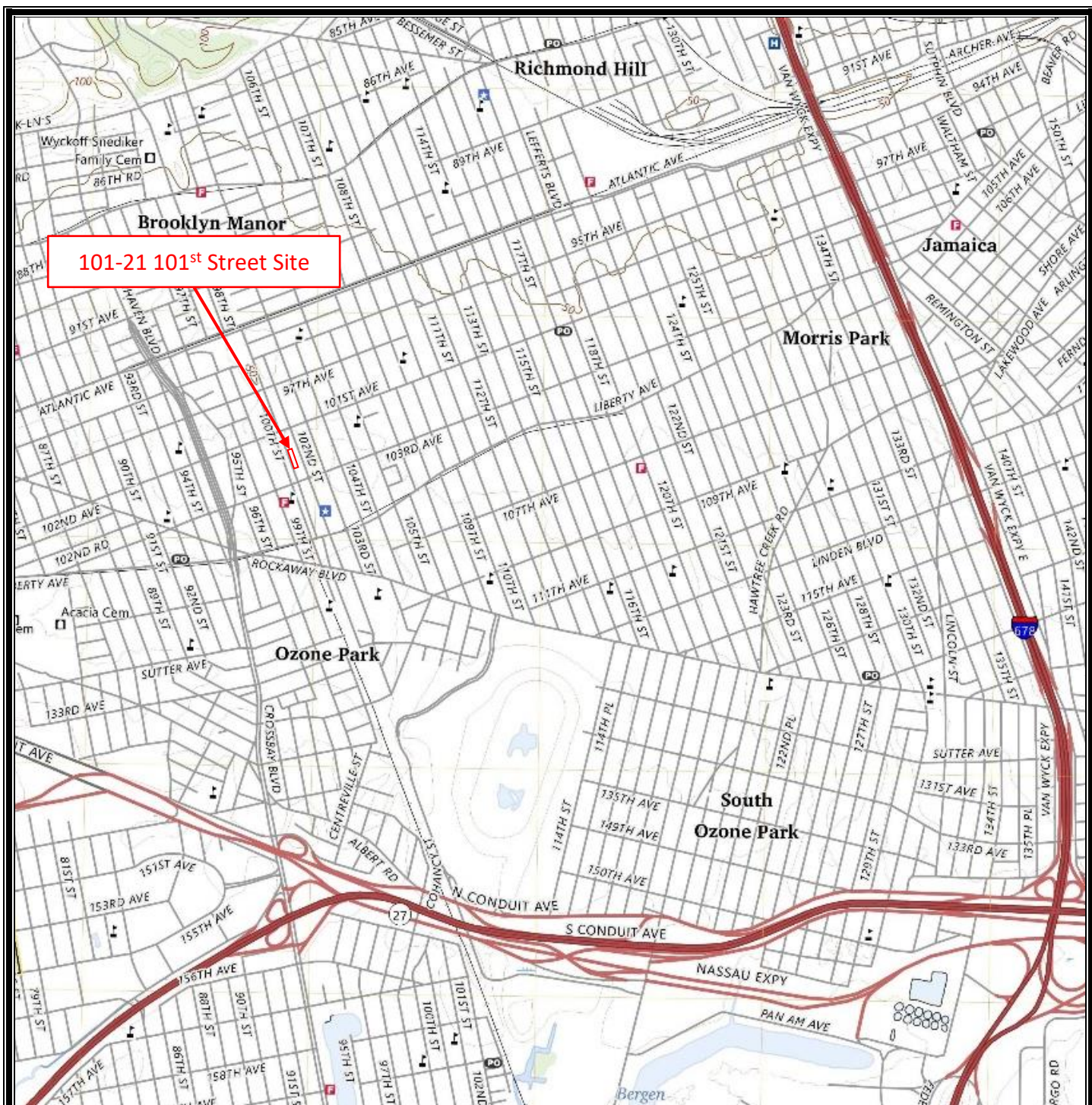
101-21 101st Street,
Ozone Park, NY

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.









USGS 7.5 Minute *Jamaica, NY* Quadrangle
Created: 2023

KEY:
BCP Site

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.

Figure 8: Topographic Map

101-21 101st Street
Ozone Park, New York



(Not to Scale)

Attachment A:

Requestor and Property Information

1. MRA, LLC Department of State Entity Profile
2. MRA, LLC Member Consent Authorization Resolution
3. Deed

Department of State
Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: MRA, LLC
DOS ID: 2448275
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/09/1999
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/09/1999
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: QUEENS
NEXT STATEMENT DUE DATE: 12/31/2025
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O MOVING RIGHT ALONG SERVICE, INC.

Address: 101-21 101 STREET, OZONE PARK, NY, UNITED STATES, 11416

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

**MRA, LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT
ENVIRONMENTAL EASEMENTS**

The undersigned, being the sole member of MRA, LLC, a New York limited liability company (the "Company") hereby certify as of January 29, 2024, as follows and adopt the following resolutions and authorize the Company to authorize and direct James Rueda (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 101-21 101st Street Ozone Park, NY 11416; Block 9419, Lot 49 (the "Property" or the "Site").


WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), grant an environmental easement, and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

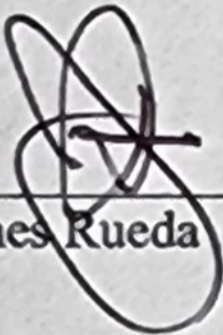
RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
James Rueda	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on January 29, 2024.

MEMBERS:


By: James Rueda

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on December 20th, 1999

BETWEEN

Tepper Realty, LLC, having an office
located at 101-21 101st Street,
Ozone Park, NY

party of the first part, and

MRA, LLC having an office located at
8920 Cooper Avenue, Glendale, NY 11382

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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 easterly side of 101st Street, 50 feet wide, distant 200.19 feet (actual), 200 feet (local standard), northerly from the corner formed by the intersection of the easterly side of 101st Street and the northerly side of 103rd Avenue, 75 feet wide;

RUNNING THENCE easterly parallel with the northerly side of 103rd Avenue, 100.10 feet (actual), 100 feet (local standard);

THENCE northerly parallel with the easterly side of 101st Street, 325.30 feet (actual), 325 feet (local standard);

THENCE westerly parallel with the northerly side of 103rd Avenue, 100.10 feet (actual), 100 feet (local standard) to the easterly side of 101st Street;

THENCE southerly along the easterly side of 101st Street 325.30 feet (actual), 325 feet (local standard) to the point or place of BEGINNING.

From K/A 101-21 101 St Queens, NY

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Tepper Realty, LLC

By:

Charles Tepper, Manager

State of **NEW YORK**, County of **NEW YORK** ss:
On **DEC. 20th** 1999 before me, the undersigned,
personally appeared

HAROLD TEPPER

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

[Signature]

EDWARD B. BURKE

EDWARD B. BURKE, Notary Public in and for the State of New York
(signature and office of individual taking acknowledgment)

Qualified in Queens County

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE

State of _____ County of _____ ss:
On _____ before me, the undersigned,
personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place of acknowledgment below)

(signature and office of individual taking acknowledgment)

State of _____ } ss:
County of _____ }

On _____ before me, the undersigned,
personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

☐ if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

FIRST OUFENS ABSTRACT CORP.
29 EAST 10th STREET
NEW YORK, NEW YORK 10003
(212) 488-0063

SECTION
BLOCK 9419
LOT 49 and 149
COUNTY OR TOWN Queens

Morgan and Eric Dech

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. **EQ 8117Q**

Tepper Realty, LLC

TO

MRA, LLC

RETURN BY MAIL TO:

R. Bruce Claro
240 Sea Cliff Avenue
P. O. Box 307
Sea Cliff, New York 11579

DEEL 5530612961

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE
- QUEENS COUNTY -**

(This page forms part of the instrument)

WRITE BLOCK & LOT INFORMATION IN BLOCK/LOT FORMAT.
IF ONLY PART OF LOT, WRITE P/O BEFORE LOT NUMBER.

Block/Lot(s): 9419
49 of 149

PREMISES: 101-21 101st Street, Ozone Park

Title/Agent Company Name: FIRST QUEENS ABSTRACT CORP.

Title Company Number: FO 81174

TOTAL NUMBER OF PAGES IN DOCUMENT INCLUDING THIS PAGE: 3

NAME: R. Bruce Clark

ADDRESS: 240 San Clift Avenue P.O. Box 307

CITY: San Clift STATE: N.Y. ZIP: 11575

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

Examined by (✓): JA

Mtge Tax Serial No. _____

Mtge Amount \$ _____

Taxable Amount \$ _____

Exemption (✓) YES ☐ NO ☐

Type: 330EE 266 OTHER _____

Dwelling Type: 1 to 2 3 4 to 6 OVER 6

TAX RECEIVED ON ABOVE MORTGAGE ▼

County (basic) \$ _____

City (Addtl) \$ _____

Spec Addtl \$ _____

TABF \$ _____

MTA \$ _____

NYCTA \$ _____

TOTAL TAX \$ _____

Apportionment Mortgage (✓) YES ☐ NO ☐

Joy A. Sobrow, City Register

City Register Serial Number → 027603

Indexed By (✓): JA Verified By (✓): JA

Block(s) and Lot(s) verified by (✓): DEED 1048 35.00

Address: 4-1 Tax Map: 1 CSM REPT DATE TIME
1 79216 Mar 1-00 14:36

Extra Block(s) _____ Lot(s) 1

Recording Fee \$ 35

Affidavit Fee (C) \$ _____

TP-584/582 Fee (Y) \$ _____

RPTT Fee (R) \$ 25

HPD-A ☒ HPD-C ☐

New York State Real Estate Transfer Tax ▼
\$ 5400

Serial Number → 018151

New York City Real Property Transfer Tax
Serial Number → 006170

New York State
Gifts Tax
Serial Number → _____

**RECORDED IN QUEENS COUNTY
OFFICE OF THE CITY REGISTER**



2000 MAR -1 P 3 04
Witness My Hand and Official Seal

Joy A. Sobrow
City Register

CR08FMO.SPC 12/99

45 - 11 - 002

25x10

Attachment B:
Document Repository Letters

January 23, 2024

Attention: Kendra Kuszai
Queens Public Library at Ozone Park
92-24 Rockaway Boulevard,
Ozone Park, NY 11417

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 101-21 101st Street, Ozone Park, Queens, NY 11416

Dear Ms. Skrzypek,

This letter is intended to seek your approval to use the Queens Public Library at Ozone Park located at the address above as a document repository for the upcoming remedial development at the above referenced property. This document repository is intended to house for community review all principal documents generated prior to and during the Brownfield Cleanup Program (BCP) at this site as per the requirement of the New York State Department of Environmental Conservation (NYDEC).

Touchstone will provide the Queens Public Library at Ozone Park with a link to the files once the project has been accepted into the BCP and the Site website has been established. The Queens Public Library at Ozone Park will provide the documents related to this BCP Project in physical format only at the Queens Public Library at Ozone Park branch. The Site's involvement with the BCP will vary dependent on the time to completion of remediation and receiving the certificate of completion from the NYSDEC. At this time, we estimate an end date of May 2025.

Should you acknowledge this agreement that the Queens Public Library at Ozone Park will act as a document repository for this upcoming BCP project, please complete and sign below and email this form back to me for my records and NYSDEC records.

If you require any additional information, please feel free to contact me directly at (631) 315-2732.

Sincerely,

Gabrielle Castro
Project Manager
Touchstone Environmental Geology, P.C.
EM: gabriellecastro@touchstoneenvironmental.com

Name: Kendra Kuszai
Title: Community Library Manager
Signature: *G. Castro*
Date: 1/24/24

April 9, 2024

Attention: Sherry Algreto
Queens Community Board 9
Queens Borough Hall
120-55 Queens Boulevard, Room 310A
Kew Gardens, NY 11424

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 101-21 101st Street, Ozone Park, Queens, NY 11416

Dear Ms. Algreto,

This letter is intended to seek your approval to use the Queens Community Board 9 located at the address above as a document repository for the upcoming remediation at the above referenced property. This document repository is intended to house for community review all principal documents generated prior to and during the Brownfield Cleanup Program (BCP) at this site as per the requirement of the New York State Department of Environmental Conservation (NYDEC).

Should you acknowledge this agreement that the Queens Community Board 9 will act as a document repository for this upcoming BCP project, please complete and sign below and email this form back to me for my records and NYSDEC records.

If you require any additional information, please feel free to contact me directly at (631) 315-2732.

Sincerely,

Gabrielle Castro
Project Manager
Touchstone Environmental Geology, P.C.
EM: gabriellecastro@touchstoneenvironmental.com

Queens Community Board 9

Name: James Mclelland

Title: District Manager

Signature: [Signature]

Date: 4-15-24