
PHASE I ENVIRONMENTAL SITE ASSESSMENT

for

NEWBURGH DEVELOPMENT SITE

2 FRONT STREET (PARCEL 31-5-14)

29 SOUTH WATER STREET (PARCEL 31-5-13.2)

2 WASHINGTON STREET (PARCEL 37-4-3)

4 WASHINGTON STREET (PARCEL 37-4-2)

NEWBURGH, NEW YORK

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**December ##, 2015
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EXECUTIVE SUMMARY

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan) was retained by R. Black Global, LLC (the "User") to prepare this Phase I Environmental Site Assessment (ESA) for the adjoining tax parcels: Parcel 31-5-13.2 (29 South Water Street), Parcel 31-5-14 (2 Front Street), Parcel 37-4-2 (4 Washington Street), and Parcel 37-4-3 (2 Washington Street), collectively referred to as the "Subject Property" in Newburgh, New York. A Site Location Map is presented on Figure 1, and the Subject Property boundaries are presented on Figure 2.

The Subject Property is located northeast of the intersection of Washington Street and South Water Street and is bound by New York Central Rail Road tracks to the west; restaurants, retail stores, and commercial offices to the north; a public boat launch and parking lot to the south; and the Hudson River and part of a public marina to the east. The western adjoining railroad is operated by CSX Transportation, of Jacksonville, Florida. The Subject Property spans approximately 421,011-square feet (9.67 acres): upland portions of the Subject Property span about 329,759-square feet (7.57 acres), and 91,252-square feet portion of the Subject Property extends into the Hudson River.

The Subject Property is occupied by portions of a public marina, Gull Harbor Marina (GHM) and several maintenance barges (2 Washington Street and 2 Front Street); two warehouse-type buildings, a permanent canvas canopy, and a Metro-North Railroad ferry dock barge (2 Front Street); and asphalt-paved parking lots (2 and 4 Washington Street and 29 South Water Street). A vegetated strip of land separates the adjoining railroad tracks from the parking lots at the western edge of the Subject Property. The Subject Property also includes a barge-mounted bar/restaurant, Gully's, at the southeast corner of 2 Washington Street. A dock to access Gully's is located within the Subject Property tax lot boundaries; however, the restaurant encroaches onto the southern adjoining property located at 18 Washington Street (Parcel 37-4-4).

The unmapped projection of Front Street runs north to south through the Subject Property and intersects Washington Street to the south. The Subject Property is relatively flat; however, portions of the northwest corner slope steeply upward toward the railroad tracks. The western adjoining railroad and South Water Street are built upon and behind stone retaining walls.

This Phase I ESA was conducted using the guidelines of the ASTM International Practice E1527-13 (Standard Practice for ESA: Phase I ESA Process), and the United States Environmental Protection Agency's (USEPA) 2006 All Appropriate Inquiry (AAI) Rule (40 Code of

Federal Regulations [CFR] Part 312). Completion of a Phase I ESA in accordance with the ASTM International Practice and AAI Rule is needed to qualify for the bona fide prospective purchaser liability protections available under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). The objective of this Phase I ESA was to attempt to identify the presence or likely presence, use, or release on the Subject Property of hazardous substances or petroleum products as defined in ASTM International E1527-13 as a Recognized Environmental Condition (REC).

The following RECs were identified:

REC 1 – Current and Historical Use of the Subject Property

The Subject Property was occupied by a railroad yard with multiple platforms and support buildings (circa 1884 to 1975) and boat maintenance and repair shop (circa 1995 to 2002). A railroad trestle and floating bridge located on the eastern edge of the Subject Property were demolished in about 1913. Coal storage buildings and filling/land reclamation activities to reclaim land were identified in the northwestern and southeastern portions of the Subject Property, respectively (circa 1884 to 1913).

Records indicate that a 2,000-gallon gasoline UST was installed at the Subject Property in 1956 and was removed in 1999. Records also indicate the past presence of two 275-gallon aboveground storage tanks (AST). No additional details were available for the tanks or the soil and groundwater conditions in the tank areas.

Subject Property observations as part of this ESA included potential automotive and boat repair and boat storage within the southern warehouse building.

Inadvertent releases of chemicals associated with the current and former operations and land filling may have resulted in adverse soil, groundwater, and/or soil vapor impacts from petroleum products, solvents, and/or other hazardous substances.

REC 2 – Historical Use of Adjoining and Surrounding Properties

Off-site adjoining and surrounding property historical uses include the following:

- Rail and coal yards (circa 1884 to 1913) at the southern adjoining property (18 Washington Street);
- Repair shop and hot asphalt storage facility (circa 1913 and 1967) at the northeastern adjoining property (no address shown); and

- Consolidated Iron and Metal Co. (circa 1960 to 1999) about 200 feet south of the Subject Property (19 Washington Street) comprised of a car and scrap metal recycling and storage facility. Site activity included the operation of a metal smelter (circa 1975 to 1995) for aluminum automotive transmission recycling. Prior to 1960, the site was operated as a shipyard. The site is listed on several federal and state regulatory databases including National Priority List (NPL), delisted NPL, Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), SPILLS, and Solid Waste or Landfill Facility (SWF/LF) databases.

Potential unknown and unreported historical releases of petroleum products, solvents, and/or other hazardous substances at these sites may have migrated onto and adversely impacted groundwater and/or soil vapor at the Subject Property.

REC Locations are shown on Figure 2.

The following non-ASTM environmental consideration was identified at the Subject Property:

- Based on the age of the warehouse building, building materials may contain asbestos-containing materials (ACM), lead-based paint (LBP), or polychlorinated biphenyls (PCBs).

The following *de minimus* conditions were identified at the Subject Property:

- Isolated areas of surface staining were observed on concrete within the warehouse building where the concrete appeared in good condition.
- Miscellaneous items (paint and gasoline cans/containers, antifreeze, unused and empty ASTs and fuel-oil powered furnace, furniture, maintenance equipment etc.) were observed scattered around the Subject Property.

Due to the limited extent of the stained areas, good condition of the floor, the probability of discharge to the environment is minimal; therefore, the above conditions are considered *de minimis* conditions.

No controlled (CRECs) or historical RECs (HREC) were identified at the Subject Property.

1.0 INTRODUCTION

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan) was retained by R. Black Global, LLC (the "User") to prepare this Phase I Environmental Site Assessment (ESA) for the adjoining tax parcels 31-5-13.2 (29 South Water Street), 31-5-14 (2 Front Street), 37-4-2 (4 Washington Street), and 37-4-3 (2 Washington Street), collectively referred to as the "Subject Property" in Newburgh, New York. A Site Location Map is presented on Figure 1, and the Subject Property parcel boundaries are presented on Figure 2.

The Subject Property is located northeast of the intersection of Washington Street and South Water Street and is bound by New York Central Rail Road tracks to the west; restaurants, retail stores, and commercial offices to the north; a public boat launch and parking lot to the south; and the Hudson River and part of a public marina to the east. The western adjoining railroad is operated by CSX Transportation, of Jacksonville, Florida. The Subject Property spans approximately 421,011-square feet (9.67 acres): upland portions of the Subject Property span about 329,759-square feet (7.57 acres), and 91,252-square feet portion of the Subject Property extends into the Hudson River.

The Subject Property is occupied by portions of a public marina, Gull Harbor Marina (GHM) and several maintenance barges (2 Washington Street and 2 Front Street); two warehouse-type buildings, a permanent canvas canopy, and a Metro-North Railroad ferry dock barge (2 Front Street); and asphalt-paved parking lots (2 and 4 Washington Street and 29 South Water Street). A vegetated strip of land separates the adjoining railroad tracks from the parking lots at the western edge of the Subject Property. The Subject Property also includes a barge-mounted bar/restaurant, Gully's, at the southeast corner of 2 Washington Street. A dock to access Gully's is located within the Subject Property tax lot boundaries; however, the restaurant encroaches onto the southern adjoining property located at 18 Washington Street (Parcel 37-4-4).

The unmapped projection of Front Street runs north to south through the Subject Property and intersects Washington Street to the south. The Subject Property is relatively flat; however, portions of the northwest corner slope steeply upward toward the railroad tracks. The western adjoining railroad and South Water Street are built upon and behind stone retaining walls.

This Phase I ESA was performed in support of the User's due diligence for the potential purchase of the Subject Property and redevelopment into a mixed residential-commercial center.

The purpose of this Phase I ESA is to:

(1) Identify Recognized Environmental Conditions (RECs) in connection with the Subject Property, as defined in The Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, Designation E1527-13, which states: The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

(2) Provide services consistent with the United States Environmental Protection Agency (USEPA) 40 Code of Federal Regulations (CFR) Part 312 Subpart C Standards and Practices §312.20 AAI Rule.

1.1 Scope of the Phase I ESA

This Phase I ESA was conducted utilizing standard practice using the local standard of care that is consistent with American Society for Testing and Materials (ASTM) E1527-13. Any significant scope-of-work additions, deletions, or deviations to ASTM E1527-13 are noted in Section 8.0 of this report. In general, the scope of this assessment consisted of obtaining information from the User; reviewing reasonably ascertainable information and environmental data relating to the Subject Property; reviewing maps and records maintained by federal, state, and local regulatory agencies; interviewing persons knowledgeable about the Subject Property; and conducting a site inspection. The specific scope of this assessment included the following:

1. A site reconnaissance to characterize conditions and assess the Subject Property's location with respect to adjoining and surrounding property uses and natural surface features. The reconnaissance included the surrounding roads and observations of surrounding properties from public rights-of-way to identify obvious potential environmental conditions on neighboring properties. The site reconnaissance was conducted in a systematic manner focusing on the spatial extent of the Subject Property and then progressing to adjacent and surrounding properties. Photographs taken as part of the site reconnaissance are provided in Appendix A.

2. As per ASTM E1527-13, questionnaires were provided to the user to obtain information related to the Subject Property. Copies of the completed User questionnaire is provided in Appendix B.
3. A review of an available previous environmental report completed for the Subject Property. Copies of the reports are included as Appendix C.
4. A review of environmental databases maintained by the USEPA, state, and local agencies within the approximate minimum search distance. Environmental Data Resources, Inc. (EDR) prepared the environmental database report, which is included in Appendix D.
5. Freedom of Information Act (FOIA) requests were sent to federal, state, and local agencies. As of the date of this report, all FOIA responses were not received. Any FOIA responses received that alter the conclusions made in this report will be documented in an addendum to this report. Copies of the FOIA requests and City of Newburgh records are included in Appendix E.
6. Orange County – New York, City of Newburgh Tax Records and Zoning Map (Section 31, Block 5 and Section 37, Block 4) were reviewed. Available City of Newburgh tax records and Zoning map are included in Appendix F.
7. Physical characteristics of the Subject Property were determined through referenced sources for topographic, geologic, soils, and hydrologic data.
8. A review and interpretation of aerial photographs, Sanborn Fire Insurance Maps (Sanborn Maps), historical topographic maps, and city directories to identify previous activities on and in the vicinity of the Subject Property. Copies are included in Appendices G, H, I and, J respectively.
9. A review of an Environmental Lien search for the Subject Property. A copy of the environmental lien search report is included in Appendix K.
10. A review of published radon occurrence maps to determine if the Subject Property is located in an area with a propensity for elevated radon levels.

1.2 Assumptions, Limitations, and Exceptions

This Phase I ESA report was prepared for R. Black Global, LLC for the Subject Property located at the addresses specified in Section 1.0 of this report. The report is intended to be used in its

entirety. Excerpts taken from this report are not necessarily representative of the assessment findings. Langan cannot assume responsibility for use of this report for any property other than the Subject Property addressed herein, or by any other third party without a written authorization from Langan.

Langan's scope of services, which is described in Section 1.1, was limited to that agreed to with the User and no other services beyond those explicitly stated are implied. The services performed and agreed upon for this effort comports to those prescribed in the ASTM Standard E1527-13. Intrusive sampling (e.g., soil borings and groundwater sampling) was not performed as part of this Phase I ESA.

This Phase I ESA was not intended to be a definitive investigation of possible environmental impacts at the Subject Property. The purpose of this investigation was limited to determining if there is reason to suspect the possibility of RECs at the Subject Property. It should be understood that even the most comprehensive Phase I ESA may fail to detect environmental liabilities at a particular Subject Property. Therefore, Langan cannot "insure" or "certify" that the Subject Property is free of environmental impacts. No expressed or implied representation or warranty is included or intended in this report, except that our services were performed, within the limits prescribed by our client, with the customary standard of care exercised by professionals performing similar services under similar circumstances within the same jurisdiction.

The conclusions, opinions, and recommendations provided in this report are based solely on the specific activities as required for the performance of ASTM E1527-13 and are intended exclusively for the purpose stated herein, at the specified Subject Property as it existed at the time of our site visit.

2.0 SUBJECT PROPERTY DESCRIPTION

2.1 Location and Description

The Subject Property includes adjoining tax parcels 31-5-13.2 (29 South Water Street), 31-5-14 (2 Front Street), 37-4-2 (4 Washington Street), and 37-4-3 (2 Washington Street) in Newburgh, New York. The Subject Property is located in an urban area primarily characterized by commercial properties as well as public recreation and education facilities. The Subject Property is located northeast of the intersection of Washington Street and South Water Street and is bound by New York Central Rail Road tracks to the west; restaurants, retail stores, and commercial offices to the north; a public boat launch and parking lot to the south; and the Hudson River and part of a marina to the east. The western adjoining railroad is reportedly operated by CSX Transportation, of Jacksonville, Florida. The Subject Property spans approximately 421,011-square feet (9.67 acres): upland portions of the Subject Property span about 329,759-square feet (7.57 acres), and 91,252-square feet portion of the Subject Property extends into the Hudson River..

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The unmapped projection of Front Street runs north to south through the Subject Property and intersects Washington Street to the south. The Subject Property is relatively flat; however, portions of the northwest corner slope steeply upward toward the railroad tracks. The western adjoining railroad and South Water Street are built upon and behind stone retaining walls.

According to the United States Geological Survey (USGS) 7.5-minute Series Topographic Map Newburgh Quadrangle, the elevation at the Subject Property is from about zero to 10 feet

above mean sea level (msl)¹. The Subject Property is relatively flat, however portions of the northwest corner slope steeply upward. The western adjoining railroad, and western surrounding South Water Street are built upon and behind stone retaining walls. Photographs showing the Subject Property are provided in Appendix A.

2.2 Description of Subject Property Improvements

Improvements at the Subject Property are summarized in the following table:

SUBJECT PROPERTY IMPROVEMENTS	
Size of the Subject Property	421,011-square feet (9.67 acres): about 329,759-square feet (7.57 acres) is upland and the remaining 97,252-square feet (2.09 acres) is within the Hudson River
Buildings/Spaces/Structures	Two slab-on-grade warehouse-type buildings, a permanent canvas canopy, barge ferry dock, barge restaurant/bar, seasonal public boat docks, and asphalt-paved parking areas
Surface Water	The Hudson River and part of the marina adjoins the Subject Property to the east
Potable Water Source	City of Newburgh
Sanitary and Storm Sewer Utilities	City of Newburgh
Electrical Utilities	Dynergy Inc., of Houston Texas
Construction Completion Date	1957-1975 (Estimate)
General Construction Type	Concrete and steel
Cooling and Ventilation System Type	None
Heating System Type	Propane heaters
Emergency Power	None

¹ Elevation is relative to the United States Geologic Survey (USGS NGVD 1929) mean sea level at Sandy Hook New Jersey.

2.3 Title Records

Langan researched ownership records for the Subject Property while visiting the Newburgh City Assessor's Office on November 24, 2015. Memorare Realty Holding Corp. was listed as the current owner of the Subject Property. Previous deed information obtained from EDR identifies the following previous owners: The Hubert J. McMahon Trust (deed dated 1/31/1986) and Consolidated Rail Corporation (deed dated 12/7/1994). Former ownership and presumed operation of the Subject Property as a railroad yard is considered a REC as historic rail lines are often associated with petroleum and metal impacts to soil and groundwater.

3.0 USER PROVIDED INFORMATION

3.1 User Questionnaire

A User questionnaire was provided to the User to inquire about specialized information related to the Subject Property. Mr. Ben Apple, a member of R. Black Global, LLC, completed the User questionnaire. Mr. Apple indicated that he is not aware of any environmental cleanup liens or land use limitations related to the Subject Property. Mr. Apple did indicate he was aware of past uses of the property but was unaware of any chemicals previously stored there, previous chemical spills, or clean-up activity. He also indicated that the purchase price reasonably reflected market value. The completed user questionnaire is included in Appendix B.

3.2 Previous Environmental Reports

The following is a summary of a previous environmental report pertaining to the Subject Property that was provided to Langan for review.

ASTM E1528-06 Transaction Screen ESA for the Property Identified as Gull Harbor Marina (Memorare Realty Holding Corp.), Newburgh, New York, prepared by LCS Environmental and Real Estate Consultants, dated December 2012

The Transaction Screen ESA report was prepared for M & T Bank of Buffalo, New York to determine if the Subject Property is acceptable as collateral. The report stated that Subject Property had been occupied by a marina and warehouse facility since at least 1957. Boat repair operations were completed from about 1995 to 2002. Numerous historical railroad lines serviced the Subject Property. Historical records revealed the presence of a 2,000-gallon gasoline underground storage tank (UST), and two 275-gallon fuel oil above ground storage tanks (ASTs) installed in 1956. Reportedly, a 1,000-gallon gasoline UST was removed from the site in 1999, and LCS presumed that the 1,000-gallon UST was mis-identified as the previously installed 2,000-gallon gasoline UST.

LCS recommended that additional investigation may be warranted in the event of a potential property transaction or site development and excavation.

A copy of the above referenced report is included in Appendix C.

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4.0 RECORDS REVIEW

4.1 Environmental Records

A copy of regulatory database information was provided by EDR and is included in Appendix D. The EDR report is a listing of sites identified on select federal and state standard source environmental databases within the approximate search radius specified by ASTM Standard Practice for E1527-13. Langan reviewed each environmental database to determine if certain sites identified in the report are suspected to represent a potential impact to the Subject Property. Langan also reviewed "Orphan Sites" listed within the report. Orphan sites are those sites that could not be mapped due to inadequate address information. Orphan sites that were identified by Langan within the ASTM search radii, either during the Subject Property reconnaissance or by cross-referencing to mapped listings, are addressed in the discussion below. All distances to adjacent properties are measured from the perimeter of the Subject Property.

The following table lists the number of sites by database within the prescribed search radius appearing in the EDR Report.

Database Record Summary			
Database Reviewed (Date of government version)	Minimum Search Area	Subject Property listed	Number of Sites Within Minimum Search Area
US Environmental Protection Agency (EPA) Databases			
National Priorities List (NPL) (03/26/2015)	1 Mile Radius	No	1
Delisted NPL (03/26/2015)	1/2 Mile Radius	No	1
Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and CERCLIS No Further Remediation Action Planned (NFRAP) (10/25/2013)	1/2 Mile Radius	No	5
Resource Conservation and Recovery Act (RCRA) Corrective Reports (CORRACTS) (06/09/2015)	1 Mile Radius	No	0
RCRA Treatment, Storage, and Disposal Facilities (TSDf) (06/09/2015)	1/2 Mile Radius	No	0
RCRA Generators (06/09/2015)	Subject Property and Adjoining	Yes	1
Facility Information System (FINDS) Database (07/20/2015)	Subject Property	Yes	1
Environmental Response Notification System (ERNS) (06/22/2015)	Subject Property	No	0

Database Record Summary			
Database Reviewed (Date of government version)	Minimum Search Area	Subject Property listed	Number of Sites Within Minimum Search Area
Engineering Controls (EC) Site Lists (09/10/2015)	Subject Property	No	0
Institutional Controls (IC) Site Lists (09/10/2015)	Subject Property	No	0
New York State Department of Environmental Conservation (NYSDEC) Databases			
Inactive Hazardous Waste Disposal Site (SHWS) (08/17/2015)	1 Mile Radius	No	2
Hazardous Substance Waste Disposal Site Inventory (HSWDS) (01/01/2003)	1/2 Mile Radius	No	1
Solid Waste or Landfill Facilities (SWF/LF) (10/07/2015)	1/2 Mile Radius	No	1
Leaking Tanks (LTANKS) (08/17/2015)	1/2 Mile Radius	No	24
SPILLS Information Database (NY SPILLS) (08/17/2015)	1/8 Mile Radius	No	15
EC Site Lists (08/17/2015)	Subject Property	No	0
IC Site Lists (08/17/2015)	Subject Property	No	0
Voluntary Cleanup Program (VCP) (08/17/2015)	1/2 Mile Radius	No	0
Brownfields (08/17/2015)	1/2 Mile Radius	No	1
Petroleum Bulk Storage Facilities (PBS) UST and Aboveground Storage Tanks (AST) Databases (09/28/2015)	Subject Property and Adjoining	No	0
Chemical Bulk Storage (CBS) UST and AST Databases (09/28/2015)	Subject Property and Adjoining	No	0
MOSF UST and AST Databases (09/28/2015)	Subject Property and Adjoining	No	0
Registered and Historical Drycleaners (DRYCLEANERS) (07/02/215)	1/4 Mile Radius	No	0
EDR (PROPRIETARY) Databases			
EDR Former Manufactured Gas Plant (MGP) Site (NA)	1 Mile Radius (N/A)	No	1

NA = Not Applicable; databases with a "Not Applicable" Minimum Search Radius are databases reviewed as part of the Phase I ESA but not required as per ASTM E1527-13.

A description of the reviewed databases is provided in the EDR Report (Appendix D). A summary of Subject Property database listings and other sites identified within the prescribed search area is presented below.

4.1.1 Federal Agency Database Findings

The Subject Property and/or sites within their respective minimum search distances as specified by ASTM E1527-13, were not listed in the following Federal Agency databases: RCRA CORRACTS, RCRA TSDf, FINDS. The following summary describes the sites that were identified within the designated search radii:

NPL Database

The NPL database identifies sites for priority cleanup under the Superfund Program. The Subject Property was not listed in the NPL database. One NPL site, Hudson River PCBs, was identified within the minimum search area. General Electric Co. discharged 1.1 million pounds of polychlorinated biphenyls (PCBs) into a stretch of the Hudson River approximately 40 miles long between Fort Edward and Hudson Falls. Hudson Falls and Fort Edwards are both over 120 miles north of the Subject Property; therefore, this NPL listing is not a REC.

Delisted NPL Database

The Delisted NPL database identifies sites that have been deleted from the NPL, based on the condition that no further response is appropriate. One Delisted NPL site, Consolidated Iron and Metal, was identified within the minimum search area, about 200 feet south (cross-gradient) of the Subject Property. The site was placed on the NPL Database on June 14, 2001, and following remedial action executed by the EPA, moved to the Delisted NPL Database in December of 2014.

Consolidated Iron and Metal was comprised of a car and scrap metal recycling and storage facility that operated from about 1960 to 1999. Prior to that, Eureka Shipyard occupied the site. A metal smelter operated from about 1975 to 1995, and was primarily used to recycle aluminum automotive transmissions. The NYSDEC began conducting inspections at the site beginning in 1997, in which they observed multiple waste stockpiles, stained soil, oily-sheen on surface waters on the site, and a contaminated discharge point into the Hudson River. In 2002, the EPA conducted an initial remedial investigation at the site, which revealed elevated concentrations of metals, PCBs, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and pesticides in soil at the site. From June to September 2003, the EPA conducted site-clearing operation consisting of the following: demolition and removal of on-site process buildings; excavation and removal of hazardous-lead soil; and removal of stockpiled scrap metal, tires, and concrete. The EPA conducted a more extensive remedial investigation and remedial action following the clearing operation. Details of the subsequent remedial activity were not described in the available records.

Due to lack of environmental regulations and monitoring in 1960s and potential releases of hazardous materials associated with the above uses, groundwater and soil vapor may have adversely been impacted at the Subject Property.

CERCLIS and CERCLIS-NFRAP Databases

The CERCLIS list is a compilation of known and suspected uncontrolled or abandoned hazardous waste sites, which are, or were, under investigation by USEPA but have not been elevated to the status of a Superfund (NPL) site. Former CERCLIS sites that have been granted the status of NFRAP are also included in this database.

The Subject Property was not listed in the CERCLIS database. Three CERCLIS sites were listed, including the Hudson River PCBs, which is not a REC as previously discussed, and a Dupont facility located more than 1,400 feet north (cross-gradient) from the Subject Property and is not considered a REC. The third CERCLIS site is the former Consolidated Iron and Metal facility, which is discussed above. One CERCLIS NFRAP site, South Hill Dump Site at South Hill Road, about 215 feet south (cross-gradient) of the Subject Property. A removal assessment was completed in 1998, but additional information was not available. This site was not determined suitable for federal superfund status, and based on lack of violations, this CERCLIS NFRAP site is not considered a REC.

RCRA Generators

The RCRA Info database is USEPA's comprehensive information system, providing access to data supporting the RCRA of 1976 and the Hazardous Waste Amendments (HSWA) of 1984. The database includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA. Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste or over 1 kg of acutely hazardous waste per month; small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month; conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste or less than 1 kg of acutely hazardous waste per month, and RCRA Non-Gen, or former hazardous waste generators.

In 2010, the GHM was listed as a SQG for disposal of lead-containing waste. The facility and owner of the waste was listed as Habitat for Humanity, and no violations were listed. Based on the lack of violations, this listing is not considered a REC.

Adjoining properties were not listed on the RCRA Generators Database.

FINDS Database

The FINDS database contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in their report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

GHM was identified in the FINDS database under the US National Pollutant Discharge Elimination System (NPDES). Under NPDES, all facilities that discharge pollutants from any point source into waters of the US are required to obtain a permit. The listing is likely related to the property's stormwater discharge from the parking lot storm drains into the Hudson River. During the site reconnaissance, the parking lot was free of major stains or signs of a release, and is not considered a REC.

4.1.2 State Agency Database Findings

The Subject Property and sites within the respective minimum search distances as specified by ASTM E1527-13 were not listed in the following State Agency databases: EC, IC, PBS, MOSF, CBS, VCP, PBS, Brownfields, and DRYCLEANERS. The following summary describes the sites that were identified within the designated search radii:

State Hazardous Waste Site Database

The SHWS database is a comprehensive listing of Inactive Hazardous Waste sites, and is the State's equivalent to CERCLIS. These consist of priority sites planned for cleanup using state funds (state equivalent of Superfund) and/or potentially responsible parties. The Subject Property was not listed in the database. Two surrounding properties, Consolidated Iron and Metal, and American Felt and Filter Corp., were identified in the database. As discussed above, the former Consolidated Iron and Metal facility is considered a REC, and American Felt and Filter Corp. is located more than 4,400 feet south (cross-gradient) of the Subject Property and is not a REC.

Hazardous Substance Waste Disposal Site Inventory Database

The HSWDS database includes any known or suspected hazardous substance waste disposal sites. The Subject Property was not listed in the HSWDS database; however, one surrounding

property, CHG&E, Newburgh Site, was identified. The site is located more than 1,200 feet southwest (cross-gradient) of the Subject Property and is not a REC.

Solid Waste or Landfill Facility Database

The SWF/LF database is a comprehensive listing of state permitted/recorded solid waste facilities. The Subject Property was not listed in the SWF/LF database; however, one facility, Consolidated Iron and Metal, was identified within the minimum search distance. As discussed previously, this site is considered a REC.

Leaking Underground Storage Tanks Database

The LTANKS database contains an inventory of reported leaking storage tank incidents, including leaking USTs and ASTs. The primary causes of the LTANK incidents include tank test failures, tank failures, and tank overfills. As per ASTM E1527-13, the approximate minimum search distance required for LTANK incidents is within ½ mile of the Subject Property. The Subject Property was not listed in the LTANKS database; however, 24 LTANK sites were identified within the minimum search radius. Each of these LTANKS incidents has been granted closed status by the NYSDEC, with the exception of one spill located at Saint Luke's Hospital, which is over 2,400 feet northwest of the Subject Property. Based on regulatory status or distance from the Subject Property, the LTANK listings are not considered RECs.

Spills Database

The Spills database, maintained and updated by NYSDEC, is an inventory of sites where spills have been identified and reported to the NYSDEC. The Subject Property was not listed in the Spills database; however, 15 spill sites were identified at surrounding properties within 1/8 mile of the Subject Property. The identified spills have been granted closed status by the NYSDEC and are not considered RECs.

4.1.3 Other Databases

Manufactured Gas Plant Sites

The MGP Sites database is a proprietary database that includes records of historical manufactured coal gas plants compiled by EDR. The Subject Property was not listed in the MGP database; however, one surrounding property, Central Hudson E&G MGP – Newburgh, was identified. The site is located more than 1,200 feet southwest (cross-gradient) of the Subject Property and is not a REC.

4.1.4 Local Regulatory Agency Findings

Freedom of Information Act Requests

FOIA requests were submitted to the following federal, state, and local agencies via written correspondence:

- City of Newburgh – Building Inspector/Code Compliance;
- Orange County Division of Environmental Health;
- New York State Department of Health (NYSDOH);
- NYSDEC; and
- USEPA, Region 2.

Responses to FOIA requests submitted as part of this Phase I ESA have not yet been received. Copies of the FOIA requests are included in Appendix E. Should pending responses alter the conclusions provided within this report, we will issue modified conclusions as an addendum.

City of Newburgh Records Information

On November 24, 2015, Ken Simmons of Langan visited the City of Newburgh – Building Inspector/Code Compliance office to review available information pertaining to the Subject Property.

Records revealed that no active violations are open for any of the Subject Property. A Combustibles Permit was issued for 2 Washington Street on 8/3/1956, and accounted for the installation of a 2,000-gallon UST, and two 275-gallon fuel oil ASTs. The location of all three tanks was listed as “outside”. A letter from the City of Newburgh Fire Department dated 11/3/1999 summarizes the removal of a 1,000-gallon gasoline UST, which was located “west of the main building”. The tank had previously been filled in place; however, this activity was undocumented. The removal was observed and approved by the NYSDEC. A phone conversation with Fire Department Lieutenant Ken Cavanaugh, confirmed that the removed UST, was in reference to the 2,000-gallon UST listed in the Combustibles Permit. Lieutenant Cavanaugh was not aware of the current status of the two 275-gallon ASTs listed on the Combustibles Permit.

Although the removal of the gasoline UST was reportedly overseen by the NYSDEC, no documentation of post-removal soil or groundwater sampling was available. The tank was not registered in the NYSDEC PBS database and its exact location could not be confirmed. Based on the uncertainty related to the UST and its removal, it is considered a REC.

A copy of the relevant City of Newburgh records is provided in Appendix E.

Tax Map and Zoning Information

According to the City of Newburgh Zoning Map, the Subject Property is located in a Planned Waterfront District (PWD), and within a Waterbody Protection Overlay (WPO). The City of Newburgh defines a PWD is established with the goal of revitalizing the waterfront and establishing a regional destination along the Hudson River. Within a PWD, water-dependent and water-enhanced uses are encouraged. A broad mix of uses, including housing, commercial, cultural, and open spaces are allowed. A WPO is established to provide protection to Newburgh's waterbodies, creek and stream corridors. A copy of the Tax Map, Zoning Map, and zoning information is provided in Appendix F.

4.2 Physical Setting Sources

4.2.1 Topography

According to the United States Geological Survey (USGS) 7.5-minute Series Topographic Map Newburgh Quadrangle, the elevation at the Subject Property is from about zero to 10 feet msl. The Subject Property is relatively flat and gently slopes east toward the Hudson River. The western edge of the Subject Property slope steeply upward along a retaining wall.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps 36071C0144E and 36071C0332E, the eastern half of the Subject Property lies within a Zone AE Flood Area, and the western half lies within a Zone X Flood Area. The line dividing Zone AE from Zone X, runs roughly parallel to the shoreline of the Hudson River, and bisects the Subject Property. Zone AE defined as a special flood hazard area subject to inundation by the 1% annual chance flood. Zone X is defined as a special flood hazard area subject to inundation by the 0.2% annual chance flood.

4.2.2 Geology

Rock outcroppings were not observed at the Subject Property. The Town of Newburgh is located on Cambrian to Lower Ordovician limestones, dolomite, shales and chert of the Wappingers Group. According to Orange County Water Authority Report (Lawler, Matusky & Skelly Engineers, 1994), the specific bedrock formation underlying the site is the Ordovician age Martinsburg Formation composed of greywacke type sediments deposited in turbidity depositional environments. This bedrock unit is cut by several faults. Overlying

unconsolidated soils are tills, outwashes, lacustrine clays and alluvial terraces deposited in glacial and post-glacial depositional environments.

4.2.3 Hydrology

Groundwater flow is typically topographically influenced, as shallow groundwater tends to originate in areas of topographic highs and flows toward areas of topographic lows, such as rivers, stream valleys, ponds, and wetlands. A broader, interconnected hydrogeologic network often governs groundwater flow at depth or in the bedrock aquifer. Groundwater depth and flow direction are also subject to hydrogeologic and anthropogenic variables such as precipitation, evaporation, extent of vegetation cover, and coverage by impervious surfaces. Other factors influencing groundwater include depth to bedrock, the presence of artificial fill, and variability in local geology and groundwater sources or sinks.

Groundwater is presumed to flow east towards the Hudson River, which adjoins the Subject Property. Depth to groundwater is estimated at about 5 feet bgs. Groundwater in Newburgh is not used as a potable (drinking) water source. The potable water supply is provided by the City of Newburgh Water Department and is derived primarily from Lake Washington and surrounding surface watersheds in New Windsor, New York.

4.3 Historical Use Information

Langan reviewed available historic resources (including aerial photographs, Sanborn and topographic maps, and city directories) dated 1884 to 2013. Findings of the reviews are presented below.

4.3.1 Aerial Photographs

Langan reviewed aerial photographs of the Subject Property and surrounding areas for the years 1940, 1944, 1954, 1957, 1975, 1985, 1995, 1998, 2006, 2009, and 2011.

By 1940, the Subject Property was improved with multiple railroad spurs, platforms and support buildings within a densely developed area. By 1957, it appears that some railroad spurs were removed, and the current northern warehouse building at the Subject Property was constructed. By 1975, it appears that more railroad spurs had been removed; the current southern warehouse building was constructed; and a marina was assembled along the Hudson waterfront. By 1985, it appears that all railroad spurs and support buildings had been removed from the Subject Property, and that area was converted into parking lots.

Images indicate the Consolidated Iron and Metal site (south of the Subject Property) began stockpiling and storing material by 1975. The Subject Property and surrounding properties appear mostly unchanged through the 2011 image with the following exceptions: Gully's restaurant/bar was constructed on a barge at the southeastern Subject Property shoreline between 1985 and 1995; the northern warehouse building at the Subject Property was modified, and the canvas canopy was installed between 1998 and 2006; a ferry terminal was installed at the northeastern shoreline of the Subject Property between 1998 and 2006; and the southern surrounding Consolidated Iron and Metal site had ceased operation between 1998 and 2006. Aerial photos do not indicate filling of surface waters at the Subject Property.

Use of the Subject Property from at least 1940 to 1975 as a railroad yard is considered a REC as it may have resulted in petroleum and/or metals impacts to soil, groundwater, and/or soil vapor. Copies of the historical aerial photographs are provided in Appendix G.

4.3.2 Sanborn Fire Insurance Maps

A search for historical fire insurance maps for the Subject Property and surrounding properties was conducted by EDR and reviewed by Langan. Sanborn Maps constitute a database of prior site uses of real property for many cities and towns in the United States. Langan reviewed Sanborn maps for the following years: 1884, 1890, 1913, 1957, 1967, 1969, and 1971. The Subject Property and surrounding area were developed since at least 1884.

Langan's Sanborn Maps review revealed that the Subject Property was comprised of railroad spurs, platforms and support buildings from at least 1884 to 1971. The buildings in the northwest and southeast corners of the Subject Property were used for coal storage from 1884 to at least 1913. A railroad trestle and floating bridge operated beyond the shoreline of the Subject Property into the Hudson River from at least 1884 to 1913, and an additional dock was built north of the floating bridge between 1884 and 1890. The coal yard located in the southeastern corner of the Subject Property also occupied the southern adjacent property (between Washington Street and the Subject Property). Based on the review of maps 1890 and 1913, a portion of the southeastern coal yard appeared to extend over the Hudson River, indicating filling activities to reclaim land and construction of coal conveyers and a dock.

Maps from 1957 and 1967 indicate the construction of the two warehouse buildings with a loading platform and the removal of the abandoned docks associated with the floating bridge. The coal yard located in the southeastern portion of the Subject Property disappears in 1957 map. The southern portion of the Subject Property was labeled as an urban renewal site between 1967 and 1971.

These historical operations likely involved a variety of petroleum products, solvents, metals, and other hazardous substances that may have contributed to soil, groundwater, and soil vapor impacts at the Subject Property.

The following RECs were identified at the Subject Property and at adjoining and/or surrounding properties:

- Operation of the Subject Property as a railroad yard from at least 1884 to 1971;
- Coal storage at the northwest and southeast ends of the Subject Property from at least 1884 to 1913;
- Intrusive work beyond the shoreline at the Subject Property, including: demolition of a floating bridge and railroad trestle (about 1913), and apparent filling and/or land reclamation with material of unknown origin between 1890 and 1913;
- The Consolidated Iron & Metal Company (19 Washington Street; south of Subject Property) between 1957 and 1971;
- A southern adjoining property (18 Washington Street) was identified as coal storage on maps from 1884 to 1913; and
- A northeastern adjoining property (no address shown) was identified as a repair shop in 1913 and a hot asphalt storage facility in 1967.

Copies of the Sanborn Maps are provided in Appendix H.

4.3.3 Historical USGS Topographic Quadrangles

Langan reviewed historical USGS Topographic Quadrangles obtained from EDR for information regarding past uses of the Subject Property and surrounding areas for the years 1901, 1902, 1903, 1943, 1946, 1947, 1956, 1957, 1981, and 2013.

In maps from 1901 to 1903, a railroad yard and trestle built into the Hudson River was identified at Subject Property. By 1947, it appears that the number of railroad spurs has been reduced and the trestle was removed. The 1956 map identifies three piles that were installed just beyond the waterline at the Subject Property. Evidence of excavated or emplaced fill along the Subject Property's waterline was not observed in the topographic maps. Prolonged use of the Subject Property as a railroad yard is considered a REC as discussed above. Copies of the topographic maps are provided in Appendix I.

4.3.4 City Directories

City Directories, obtained from EDR, is a review of available business directories, including city, cross-reference, and telephone directories, at approximately five-year intervals for the years spanning 1973 through 2013. The Subject Property and surrounding properties were listed as various commercial and retail businesses, restaurants, and residences.

A listing for Consolidated Iron and Metal was identified at 1 Washington Street in 1992, and it was identified as a REC. The review of the City Directories did not reveal any additional RECs. A copy of the City Directory Abstract is provided in Appendix J.

4.3.5 Environmental Lien Search

Langan contracted EDR to conduct an Environmental Lien search for the Subject Property. The results of the search, which included a compilation of available data and verification of the findings with the appropriate regulatory authorities, revealed that there are no Environmental Liens or other Activity and Use Limitations (AUL) associated with the Subject Property. A copy of the Environmental Lien Search is provided in Appendix K.

5.0 SITE RECONNAISSANCE

5.1 Methodology and Limiting Conditions

The site reconnaissance was conducted in a systematic manner focusing on the spatial extent of the Subject Property and then progressing to the adjacent and surrounding properties. The assessment of the adjacent and surrounding properties was limited to identifying, if possible, any indications of past or current use that may involve the use, storage, disposal, or generation of hazardous substances or petroleum products; noting the general type of current use; the general topography of the surrounding area; and providing a general description of adjoining or adjacent structures.

5.1.1 Date and Time of Inspections

The site reconnaissance was performed on November 24, 2015 by Ken Simmons of Langan. The weather at the time of the inspection was partly cloudy and 50° F. Mr. Simmons was accompanied by Mr. Ben Apple, of R. Black Global, LLC during the inspection.

5.1.2 General Subject Property Setting and Reconnaissance Observations

A general description of each parcel is presented below.

2 Front Street (Parcel 31-5-14)

The property at 2 Front Street (the northeastern portion of the Subject Property) is improved with two single-story slab-on-grade warehouse structures, a permanent canvas canopy, a Metro-North Rail Road ferry terminal, and asphalt-paved parking areas. This parcel extends into the Hudson River based on aerial photos, tax map and conversations with Mr. Apple. A marina located to the east is used during warmer weather. At the time on the inspection, the marina was not active, and dock components were stored on paved areas within the Subject Property. When the marina is in operation, the dock is open to public.

The southern warehouse building was comprised of two office suites (Genesis Hair Salon and The Law Offices of Kevin Gagliano), and a large workshop area that contained police boat storage, automotive repair, two unused and empty ASTs, an unused fuel-oil powered furnace, and miscellaneous maintenance equipment and supplies affiliated with the marina. The offices were not occupied at the time of the site reconnaissance. The northern warehouse building was used for storage of equipment and supplies affiliated with the marina, and included an Airstream recreational trailer, two tow-behind construction generators, and lawn maintenance equipment. Two inaccessible bathrooms were located in the northeastern corner of the

building, and an inaccessible walk-in freezer was located in the southeastern corner of the building. The concrete slabs at both buildings were in fair to poor condition, with visible surficial to deep cracks. About 6-inch diameter spots of oil staining were observed throughout the floor area of both buildings; however, staining was not noted in the areas of cracked concrete slab. Both buildings were equipped with sewer ejector pumps accessed via exterior hatch doors. The pumps were installed about 5 feet below grade and enclosed in cinderblock vaults. At the time of the inspections the sewer ejector pumps were winterized, and covered in straw. Chemical storage within the warehouse buildings included about 35 gallons of interior paint, six 5-gallon containers of gasoline, 8 gallons of antifreeze fluid, and 4 gallons of motor-oil. No staining or signs of release were observed around the stored chemicals.

The canvas canopy was built upon a concrete slab and is used as a ticketing and waiting area for the Metro-North Rail Road ferry. The ferry dock is a barge anchored about 30 feet from the waterfront along the Hudson River. At the time of the site reconnaissance, the ferry boat was being refueled by a mobile fuel-service truck. No permanent on-site fuel storage for the ferry was observed.

29 South Water Street (Parcel 31-5-13.2)

The property at 29 South Water Street (the northwestern portion of the Subject Property) is occupied by an asphalt-paved parking area, and an overgrown vegetated strip along the western boundary. The vegetated area on this parcel was behind a six-foot-tall iron fence and was too dense to inspect during the site reconnaissance. A driveway accessing the Subject Property from Front Street is located at the northern parcel boundary.

4 Washington Street (Parcel 37-4-2)

The property at 4 Washington Street (the southwestern portion of the Subject Property) is occupied by an asphalt-paved parking area, and a vegetated area along the western boundary. Unused marina dock components were stored in vacant parking areas of this parcel. These dock components comprised about one-eighth of the total parcel area, and observations could not be made beneath them.

2 Washington Street (Parcel 37-4-3)

The property at 2 Washington Street (the southeast portion of the Subject Property) is occupied by an asphalt-paved and gravel parking area, a barge-mounted restaurant/bar, Gully's, and multiple maintenance barges along the shore of the Hudson River. Access to the maintenance barges and the interior of Gully's was not granted during the site reconnaissance. A 275-gallon diesel AST was observed on one of the maintenance barges and was reportedly used to refuel

machinery and/or boats on the barge. No staining or other signs of a release was observed in the area surrounding the fuel tank. Unused marina dock components were stored in vacant parking areas of this parcel. Multiple pieces of hydraulic construction equipment were being used in connection with the decommissioned marina and maintenance barges. A driveway accessing the Subject Property from Washington Street is located at the southern parcel boundary.

Pits, Ponds, Lagoons

Pits, ponds, and/or lagoons were not observed at the Subject Property.

Pools of Liquid

Puddles were not observed at the Subject Property.

Storm Drains, Wells, and Cisterns

Several storm drains were observed throughout parking lot areas. These drains reportedly discharge to the Hudson River. No staining or signs of a release was observed around the storm drains. Cisterns and/or wells were not observed.

PCB Transformers and Suspect Equipment

Pole-mounted transformers were observed near the warehouse buildings at the Subject Property.

Storage Containers and Drums

Storage containers and drums were not observed at the Subject Property.

Waste Generation, Storage, and Disposal

Waste is stored in two dumpsters at the Subject Property and is removed by private contractors.

Air Emissions or Wastewater Discharges

No air emissions or wastewater discharges were observed at the Subject Property.

Sewage Ejector Pits and Sumps

Sewer ejector pits were observed outside the southwest corner of the southern warehouse building and outside the northeast corner of the northern warehouse building on Parcel 31-5-14 (2 Front Street). Each pit was comprised of an about 20-gallon tank installed about five feet below grade within a cinderblock vault, that could be accessed by exterior hatch doors. The ejector pumps are plumbed to the city sewer system. The pits were winterized at the time of the site inspection and covered with straw.

USTs or ASTs

Evidence of USTs was not observed. The following ASTs were observed:

- An empty 275-gallon AST located in the southern warehouse building that previously stored fuel oil for a furnace; superficial staining consistent with use and refueling was observed at the base of the tank; however, the concrete floor in this area appeared to be in good condition.
- An empty 200-gallon AST located in the southern warehouse building, which, according to Mr. Apple, is deployed on a maintenance barge when in use. No staining was observed around the base of the tank.
- One in-use 275-gallon diesel AST was observed on a maintenance barge, which was reportedly used to refuel machinery. No staining was observed in the area of the tank on the barge.
- A 500-gallon propane AST was observed outside the southeast corner of the southern warehouse building.

Stained or Discolored Soils

Stained or discolored soil was not observed at the Subject Property. No staining or sheen was observed on the Hudson River water surface at the Subject Property.

Leachate or Seeps

Leachate or seeps were not observed at the Subject Property.

Adjoining and Surrounding Property Uses

The Subject Property is bound by the Hudson River to the east; a parking lot, public boat launch ramp, and Washington Street to the south, New York Central Rail Road lines to the west, followed by South Water Street, and various restaurants, retail stores, and commercial offices to the north. Surrounding properties consist of commercial, education, and residential use.

Conclusions based on Site Reconnaissance

Observed activity within the southern warehouse building at 2 Front Street including automotive maintenance and boat storage is considered a REC. Staining observed on concrete in good condition is considered de minimis.

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6.0 INTERVIEWS

Langan interviewed a representative of the prospective buyer of the Subject Property, Mr. Ben Apple, of R. Black Global, LLC. Mr. Apple responded to questions during the site reconnaissance, and his responses are reflected in Section 5.0.

6.1 Subject Property Owner

The Subject Property owner was not available to be interviewed as part of this Phase I ESA.

6.2 Subject Property Occupants

The Subject Property occupants were not interviewed as part of this Phase I ESA.

6.3 Owners/Tenants of Adjacent Properties

Owners/tenants of adjacent properties were not available for interview as part of this Phase I ESA.

7.0 ADDITIONAL SERVICES

7.1 Radon

Radon is a colorless, odorless radioactive gas that results from the natural breakdown of uranium minerals in soil, rock, and water, which subsequently enters the atmosphere. It can concentrate in buildings, entering through cracks and other penetrations of a building foundation. Some areas are more likely to have elevated concentrations of radon than others, reflecting subsurface lithologic conditions.

According to the USEPA Radon Zone Map, the Subject Property is located in Zone 1, which indicates a predicted average indoor radon screening level greater than 4 pico Curies per Liter (pCi/L). NYSDOH maintains a database of radon test results on a local and county level. According to the NYSDOH, 271 radon tests have been conducted within residential basements in Newburgh of Orange County, with results of 54% below 4.0 pCi/L (the USEPA action level for radon). According to the Federal Area Radon Information provided in the EDR Report, 268 sites were tested in Orange County, New York and 91 percent of living areas and 73 percent of basements contained radon concentrations below the action level. Based on this information, it elevated levels of radon gas at the Subject Property may be present.

7.2 ACM, LBP and PCBs

A formal survey to identify asbestos-containing material (ACM), lead-based paint (LBP), and PCBs-containing material was not conducted as part of this Phase I ESA. Based on the age of the warehouse buildings, ACM, LBP, and PCB-containing materials may be present in Subject Property building materials, which is considered a non-scope consideration.

8.0 DEVIATIONS AND DATA GAPS

8.1 Deviations

Langan performed a Phase I ESA of the Subject Property utilizing standard and customary practice that is consistent with the ASTM E1527-13. Significant deviations were not made to the above referenced standards.

8.2 Data Gaps

In order to address data gaps, additional sources of information may be consulted. According to ASTM E 1527-13, Section 8.3.2.3, "historical research is complete when either: (1) the objectives in 8.3.1 through 8.3.2.2 are achieved; or (2) data failure is encountered. Data failure occurs when all standard historical sources that are reasonably ascertainable and likely to be useful have been reviewed and yet the objectives have not been met. If data failure is encountered, the report shall document the failure and, if any of the standard historical sources were excluded, give the reasons for the exclusion."

This Phase I ESA was completed with the following data gaps:

- Responses to all FOIA requests have not been received.
- Restrooms, a walk-in freezer in the northern warehouse building, an overgrown vegetated area at the northwestern portion of the Subject Property, ground surface where the marina components were stored, and the interior of Gully's Restaurant/Bar were not accessible for inspection during the Site Reconnaissance.

Sufficient information has been provided from other data sources to render conclusions regarding the presence of RECs at the Subject Property. As such, these data gaps are not expected to impact the overall conclusions of the Phase I ESA.

9.0 FINDINGS, CONCLUSIONS, AND OPINIONS

This Phase I ESA was conducted in accordance with the ASTM Practice E1527-13 (Standard Practice for ESA: Phase I ESA Process), which also satisfies the USEPA AAI Rule needed to qualify for the bona fide prospective purchaser liability protections available under the CERCLA. The objective of this Phase I ESA was to identify the presence or likely presence, use, or release on the Subject Properties of hazardous substances or petroleum products as defined in ASTM E1527-13 as a REC. The Phase I ESA identified the following RECs:

This Phase I identified the following:

REC 1 – Current and Historical Use of the Subject Property

The Subject Property was occupied by a railroad yard with multiple platforms and support buildings (circa 1884 to 1975) and boat maintenance and repair shop (circa 1995 to 2002). A railroad trestle and floating bridge located on the eastern edge of the Subject Property were demolished in about 1913. Coal storage buildings and filling/land reclamation activities to reclaim land were identified in the northwestern and southeastern portions of the Subject Property, respectively (circa 1884 to 1913).

Records indicate that a 2,000-gallon gasoline UST was installed at the Subject Property in 1956 and was removed in 1999. Records also indicate the past presence of two 275-gallon ASTs. No additional details were available for the tanks or the soil and groundwater conditions in the tank areas.

Subject Property observations as part of this ESA included potential automotive and boat repair and boat storage within the southern warehouse building.

Inadvertent releases of chemicals associated with the current and former operations and land filling may have resulted in adverse soil, groundwater, and/or soil vapor impacts from petroleum products, solvents, and/or other hazardous substances.

REC 2 – Historical Use of Adjoining and Surrounding Properties

Off-site adjoining and surrounding property historical uses include the following:

- Rail and coal yards (circa 1884 to 1913) at the southern adjoining property (18 Washington Street);
- Repair shop and hot asphalt storage facility (circa 1913 and 1967) at the northeastern adjoining property (no address shown); and

- Consolidated Iron and Metal Co. (circa 1960 to 1999) about 200 feet south of the Subject Property (19 Washington Street) comprised of a car and scrap metal recycling and storage facility. Site activity included the operation of a metal smelter (circa 1975 to 1995) for aluminum automotive transmission recycling. Prior to 1960, the site was operated as a shipyard. The site is listed on several federal and state regulatory databases including NPL, delisted NPL, CERCLIS, SPILLS, and SWF/LF databases.

Potential unknown and unreported historical releases of petroleum products, solvents, and/or other hazardous substances at these sites may have migrated onto and adversely impacted groundwater and/or soil vapor at the Subject Property.

REC Locations are shown on Figure 2.

The following non-ASTM environmental consideration was identified at the Subject Property:

- Based on the age of the warehouse building, building materials may contain ACM, LBP, or PCBs.

The following *de minimus* conditions were identified at the Subject Property:

- Isolated areas of surface staining were observed on concrete within the warehouse building where the concrete appeared in good condition.
- Miscellaneous items (paint and gasoline cans/containers, antifreeze, unused and empty ASTs and fuel-oil powered furnace, furniture, maintenance equipment etc.) were observed scattered around the Subject Property.

Due to the limited extent of the stained areas, good condition of the floor, the probability of discharge to the environment is minimal; therefore, the above conditions are considered *de minimis* conditions.

No controlled (CRECs) or historical RECs (HREC) were identified at the Subject Property.

10.0 REFERENCES

The following references were reviewed as part of this Phase I ESA:

1. Environmental Data Resources, Inc., Inquiry Number: 4471537.12, November 19, 2015. Aerial Photo Decade Package.
2. Environmental Data Resources, Inc., Inquiry Number: 4471537.5, November 19, 2015. City Directory Abstract.
3. Environmental Data Resources, Inc., Inquiry Number: 4471537.4, November 19, 2015. Historical Topographic Map Report.
4. Environmental Data Resources, Inc., Inquiry Number: 4471537.2s, November 19, 2015. Radius Map with GeoCheck.
5. Environmental Data Resources, Inc., Inquiry Number: 4471537.6, November 19, 2015. Tax Map Report
6. Environmental Data Resources, Inc., Inquiry Number: 4471537.3, November 23, 2015. Sanborn Map Report.
7. Environmental Data Resources, Inc., Inquiry Number: 4471537.7, November 30, 2015. Environmental Lien Search Report
8. Environmental Protection Agency, USEPA Map of Radon Zones.
9. Federal Emergency Management Agency, Flood Insurance Rate Maps: 36071C0144E, 36071C0322E. effective date August 3, 2009
10. *ASTM E1528-06 Transaction Screen Environmental Site Assessment Report for the Property Identified As: Cull Harbor Marina (Memorare Realty Holding Corp.) 2 and 4 Washington Street and 29 South Water Street, Newburgh New York*, Prepared by LCS Inc., dated December 10, 2012.

11.0 STATEMENT OF QUALIFICATIONS AND SIGNATURES

Langan declares that, to the best of its professional knowledge and belief, the personnel who performed this Phase I ESA meet the definition of Environmental Professional as defined in Subsection 312.10 of 40 CFR 312 and that they have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Properties. They have developed and performed the Phase I ESA in conformance with the standards and practices set forth in ASTM Practice E1527, which also satisfies the USEPA AAI Rule. Resumes outlining the qualifications of the Environmental Professionals who performed this Phase I ESA are provided in Appendix L.

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

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Jason Hayes, P.E.
Senior Associate/Vice President

APPENDIX B
Geophysical Survey Report

GEOPHYSICAL ENGINEERING SURVEY REPORT

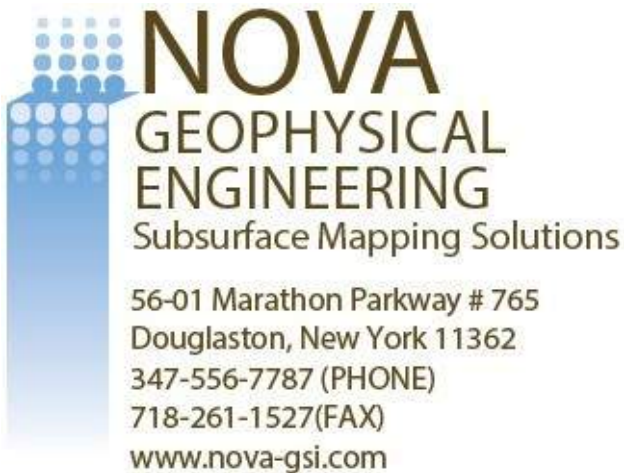
Newburgh Marina
2 Front Street
Newburgh, New York 12550

NOVA PROJECT NUMBER
15-0939

DATED
December 14, 2015

PREPARED FOR:
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December 14, 2015

Paul McMahon, P.E.
Senior Staff Engineer
LANGAN
21 Penn Plaza
360 West 31st Street, 8th Floor
New York, New York 10001
Direct: 212.479.5451

Re: Geophysical Engineering Survey (GES) Report
Newburgh Marina
2 Front Street
Newburgh, New York 12550

Dear Mr. McMahon:

Nova Geophysical Services (NOVA) is pleased to provide findings of the geophysical engineering survey (GES) at the above referenced project site: Newburgh Marina, 2 Front Street, Newburgh, New York (the "Site"). Please see attached Site Location and Geophysical Survey maps for more details.

INTRODUCTION TO GEOPHYSICAL ENGINEERING SURVEY (GES)

NOVA performed a Geophysical engineering surveys (GES) consisting of a Ground Penetrating Radar (GPR) survey at the site. The purpose of this survey is to locate and identify USTs, anomalies, utilities and other substructures and to clear and mark proposed environmental boring areas on December 9, 2015.

The equipment selected for this investigation was a Noggin 250 MHz ground penetrating radar (GPR) shielded antenna and a 3M Dynatel utility locator.

A GPR system consists of a radar control unit, control cable and a transducer (antenna). The control unit transmits a trigger pulse at a normal repetition rate of 250 MHz. The trigger pulse is sent to the transmitter electronics in the transducer via the control cable. The transmitter electronics amplify the trigger pulses into bipolar pulses that are radiated to the surface. The transformed pulses vary in shape and frequency according to the transducer used. In the subsurface, variations of the signal occur at boundaries where there is a dielectric contrast (void, steel, soil type, etc.). Signal reflections travel back to the control unit and are represented as color graphic images for interpolation.

GEOPHYSICAL METHODS

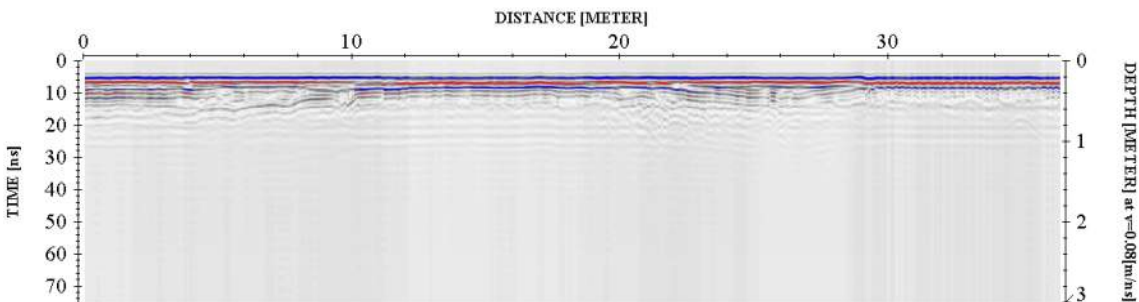
The project site was screened using the GPR to search the entire area and inspected for reflections, which could be indicative of substructures and utilities within the subsurface. A utility locator was used in an attempt to confirm utility locations.

GPR data profiles were collected for the areas of the Site specified by the client. The surveyed areas consisted of concrete and asphalt surfaces.

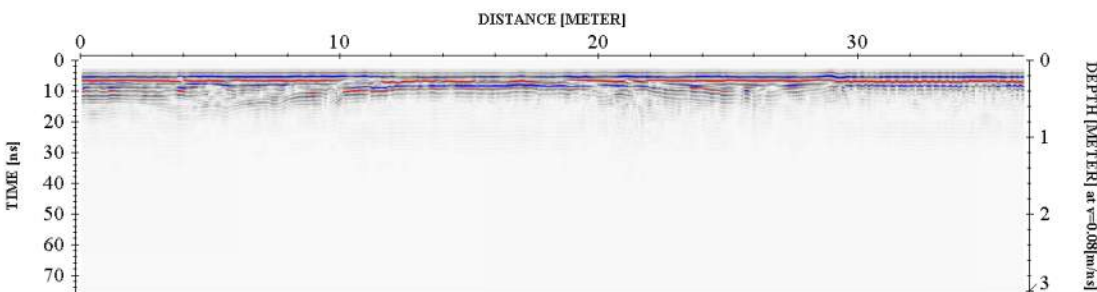
DATA PROCESSING

In order to improve the quality of the results and to better identify subsurface anomalies NOVA processed the collected data. The processes flow is briefly described at this section.

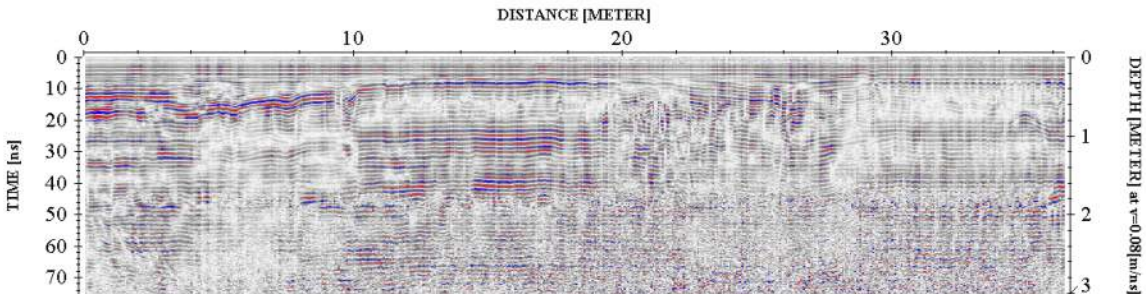
Step 1. Import raw RAMAC data to standard processing format



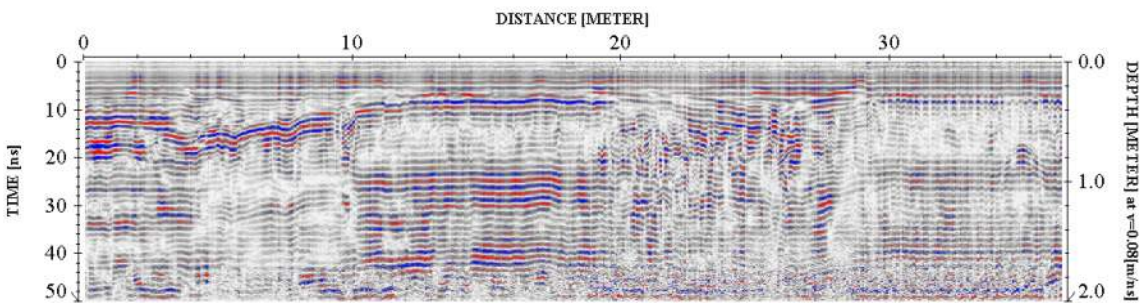
Step 2. Remove instrument noise (*dewow*)



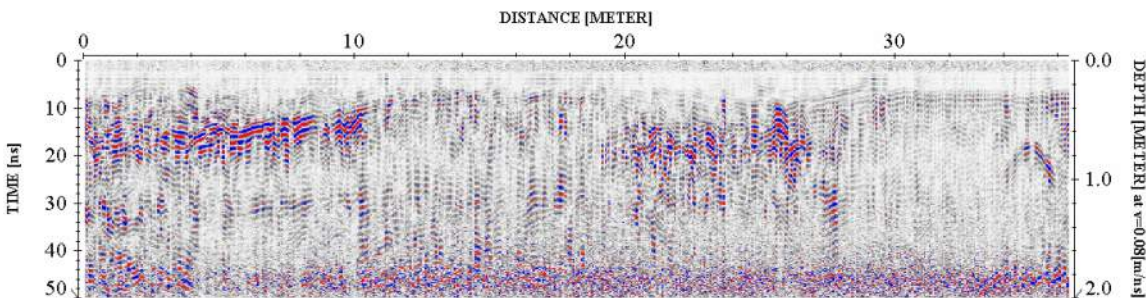
Step 3. Correct for attenuation losses (*energy decay function*)



Step 4. Remove static from bottom of profile (*time cut*)



Step 5. Mute horizontal ringing/noise (*subtracting average*)



The above example shows the significance of data processing. The last image (step 5) has higher resolution than the starting image (raw data – step 1) and describes the subsurface anomalies more accurately.

PHYSICAL SETTINGS

Nova observed following physical conditions at the time of the survey:

The weather: Overcast

Temp: 50 Degrees (F).

Surface: Concrete and asphalt surfaces

Geophysical Noise Level (GNL): Geophysical Noise Level (GNL) was very **high** at the site. The noise was a result fill material and a high water table.

RESULTS

The results of the geophysical engineering survey (GES) identified following at the project Site:

- GES survey identified scattered anomalies located throughout the project site. Based on their rates and proximity, these anomalies were inconsistent with any USTs. These areas were indicated on the on-site markout.
- The area along the river was unable to be cleared due the proximity of the water table to the surface.
- Several utilities (water, sewer, electric, cable and gas) were located on the site. These were marked out both at the site and on the survey map (subsurface only).
- Geophysical Survey Plan portrays the areas investigated during the geophysical survey.

If you have any questions please do not hesitate to contact the undersigned.

Sincerely,

NOVA Geophysical Services



Levent Eskicakit, P.G., E.P.

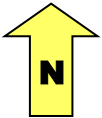
Project Engineer

Attachments:

Figure 1 Site Location Map

Geophysical Survey Plan

Geophysical Images



200 ft.

FIGURE 1
SITE LOCATION MAP

NOVA
Geophysical Services

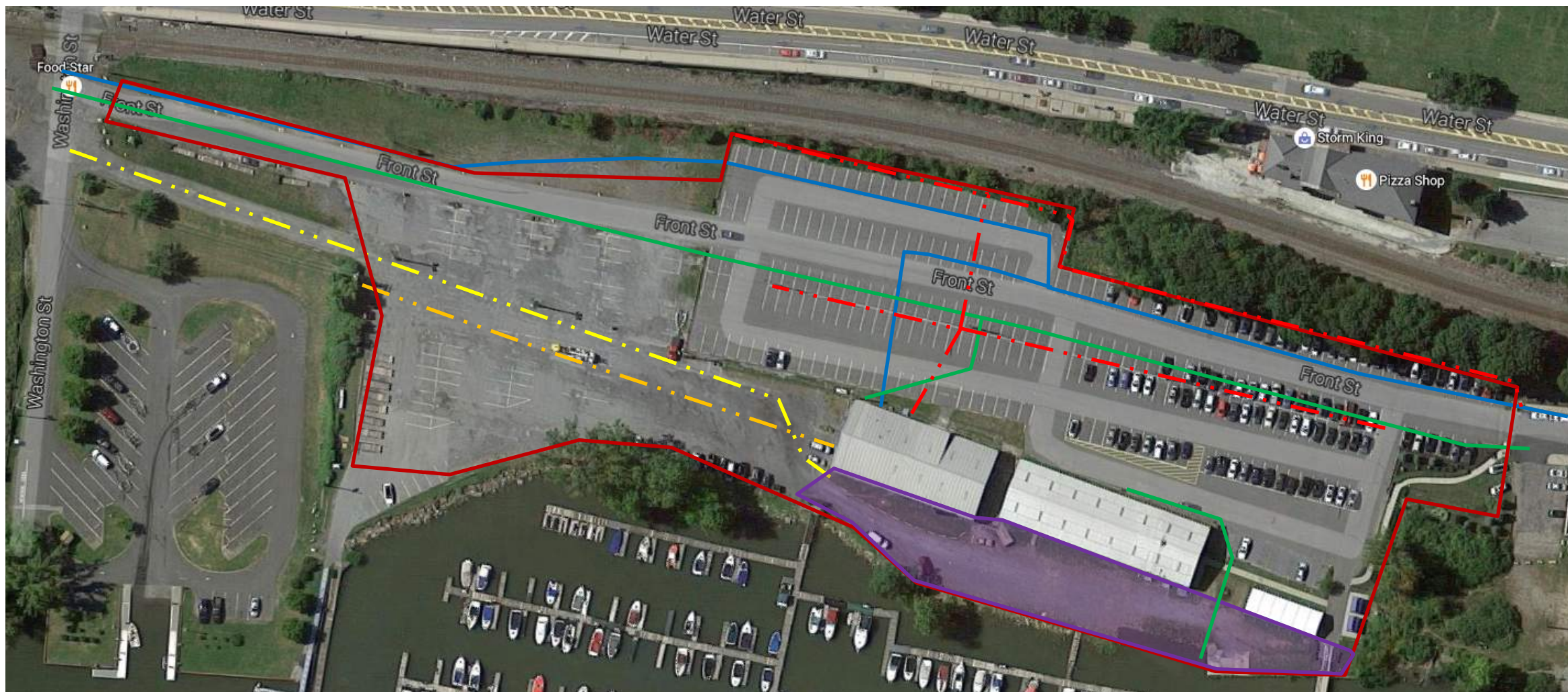
Subsurface Mapping Solutions

56-01 Marathon Pkwy, # 765, Douglaston, NY 11362
(347) 556-7787 Fax (718) 261-1528

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SITE: Newburgh Marina
2 Front Street
Newburgh, New York 12550

SCALE: See Map



1- All anomalies were marked in the field.

NOVA Geophysical Services

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GEOPHYSICAL SURVEY PLAN

SITE : Newburgh Marina
2 Front Street
Newburgh, New York 12550

CLIENT: LANGAN
DATE: December 9, 2015
Scale: See Map

- Survey Area
- Water Line
- Sewer Line
- Electrical Line

INFORMATION

- Could Not Clear
- Gas Line
- Cable Line



100 Ft.

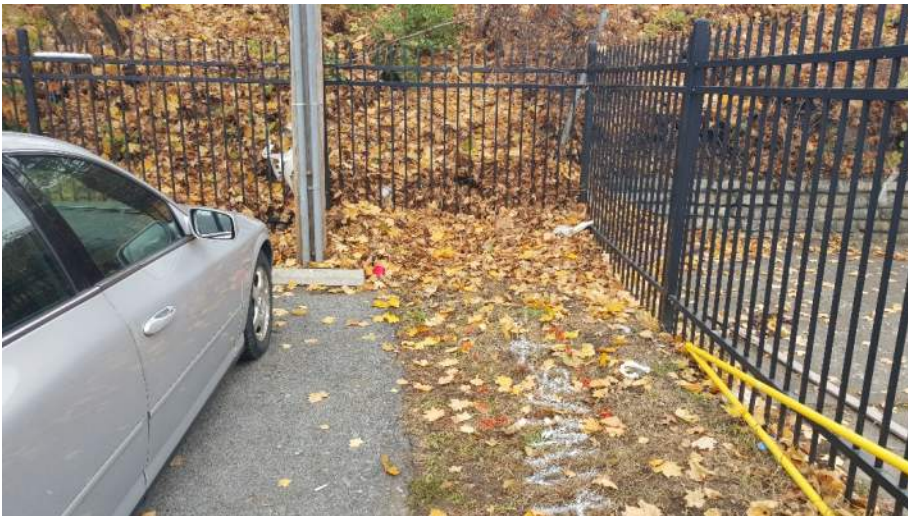
GEOPHYSICAL IMAGES

Newburgh Marina

2 Front Street

Newburgh, New York 12550

December 9th, 2015



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