WB 30 Water Street, LLC
Brownfield Cleanup Program Application
Ossining Gas Works DPW Site
30 Water Street
Ossining, New York 10562

Legal & Consulting Team:
Knauf Shaw LLP & SESI Consulting Engineers.
May 2023

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conEdison
a conEdison, inc. company

Laurie Sands
Associate General Counsel
Law Department

May 5, 2023

Jennifer Andaloro, Esq.
New York State Department of Environmental Conservation
Central Office, Office of General Counsel
625 Broadway
Albany, NY 12233
jennifer.andaloro@dec.ny.gov

Re: BCP Application for 30 Water Street, Ossining, New York
Former Ossining Gas Works Site , DEC Site # 360172

Dear Ms. Andaloro:

Consolidated Edison Company of New York, Inc. ("Con Edison") submits this letter pursuant to the terms of Paragraph X, "Transition of Sites to the Brownfield Cleanup Program," of Order on Consent and Administrative Settlement Index No. CO 0-20180516-519, as amended on August 19, 2021, (the "Consent Order") (a copy of which is attached as Exhibit A to this letter). In connection with the May 2023 New York State Brownfield Cleanup Program ("BCP") Application (the "Application") of WB 30 Water Street, LLC's (the "Applicant"), Con Edison proposes to transition a portion of Operable Unit 1 ("OU-1") of the Former Ossining Gas Works Site, New York State Department of Environmental Conservation ("DEC" or the "Department") Site No. 360172, to the BCP for the purpose of facilitating the implementation and completion of certain remedial investigations and actions. The portion of OU-1 that Con Edison proposes to transition to the BCP has an address of 30 Water Street, Ossining, New York (Westchester County Section 89.19, Block 6, all of Lots 26, 27, 28, and 29, except the underwater land defined below as the Creek)[1] and is hereinafter referred to as the "Proposed BCP Site." If transitioned to the BCP, Con Edison understands that the Proposed BCP Site would be remediated as described in the Application and in coordination with the Applicant's proposed redevelopment of the Proposed BCP Site.

[1] The remainder of Former Ossining Gas Works Site OU-1, which includes a Con Edison electrical substation property, as well as Former Ossining Gas Works Site OU 2, will not be transitioned to the BCP and will remain in active status under the Consent Order. Former Ossining Gas Works Site OU-3 has been previously developed under the BCP.

In accordance with Paragraph X of the Consent Order, the Department should accept the proposal to transition the Proposed BCP Site into the BCP based on the following findings:

A. The Proposed BCP Site was previously in the Voluntary Cleanup Program ("VCP") identified as VCP Site No. V00568 under Voluntary Cleanup Agreement Index No. D2-0003-02-08 and is not classified as a Class 2 site on the New York State Registry of Inactive Hazardous Waste Disposal Sites;

B. Con Edison is not currently engaged in remedial design or remedial action for the Proposed BCP Site to fulfill the requirements of a Record of Decision or Decision Document; and

C. The implementation of the remedial program through the BCP will further the effectiveness of the remedial program, will result in a coordinated remediation that will address both MGP and non-MGP contamination that may exist at the Proposed BCP Site, will ensure the protection of the public health and the environment, and will encourage the redevelopment and reuse of the Proposed BCP Site.

Con Edison also makes the following three requests in connection with the proposal to transition the Proposed BCP Site into the BCP:

1. In the event the Applicant fails to stop any continuing release or prevent any further off-site migration (if any) of MGP contamination from the Proposed BCP Site to offsite areas, including but not limited to the Creek—defined as the 0.302 acres of underwater land in the Sing Sing Kill situated between the northern and southern sections of the Proposed BCP Site and included as part of Former Ossining Gas Works Site OU-1 (but excluded from the BCP Application) (the "Creek") (see Exhibit B)—the Applicant would be required to perform any and all additional remediation work required to stop any such release(s) and prevent any such migration.

2. The Applicant is required by the Department to include Con Edison as an adjacent property owner and interested party for all BCP-related citizen participation requirements as set forth in the Environmental Conservation Law and implementing regulations at 6 NYCRR 375. Additionally, it is requested that the Applicant be required to directly provide Con Edison with copies of all BCP-related submittals to the Department. The citizen participation plan for the Proposed BCP Site must list Con Edison as an adjacent owner and interested party and set forth the foregoing requirement. This is especially important here because, assuming the Application is approved, the remainder of OU-1 and the entirety of OU-2 of Former Ossining Gas Works Site would remain in active status under the Consent Order and continue to be addressed by Con Edison. It is critical that Con Edison's remaining Consent Order work and the Applicant's BCP work be implemented in consideration of the other in order to maximize the effectiveness of both remedial actions and ensure the protection of public health and the environment.

3. In light of the location of the Creek relative to the Proposed BCP Site, when the Department issues any BCP Certificate of Completion to the Applicant for the Proposed BCP Site, assuming the Applicant has stopped any continuing release and prevented further off-site migration (if any) of MGP contamination from the Proposed BCP Site into the Creek, the Department shall simultaneously issue a release and covenant not to sue to Con Edison for the Creek for MGP contamination. Please note that, based on Con Edison's Remedial Investigation Report and OU-1 Alternatives Analysis Report for the Former Ossining Gas Works Site, no remediation has been determined to be required for the Creek.

Con Edison is pleased to be a partner in advancing the remedial program for the Proposed BCP Site. Thank you.

Respectfully submitted,

Laurie J. Sands

Laurie J. Sands

EXHIBIT A

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM AND NAVIGATION LAW

In the Matter of the Implementation of Investigation Programs and, if necessary, Remediation Programs for Certain Former Manufactured Gas Plant and Gas Holder Station Locations by:	**Order on Consent and Administrative Settlement**
Consolidated Edison Company of New York, Inc.,	**Index No. CO 0-20180516-519**
Respondent	Multiple Sites

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1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL"), and the regulations promulgated to carry out such programs at Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR").

B. The Department is authorized to regulate hazardous substances pursuant to ECL Article 37, Title 1 and 6 NYCRR Part 597.

C. The Department is responsible for carrying out the policy of the State of New York to conserve, improve, and protect its natural resources and environment, and to provide for the prevention and abatement of all water, land, and air pollution pursuant to the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

D. This Order is issued pursuant to the Department's authorities set forth above, and resolves Respondent's liability to the State for matters addressed as provided at 6 NYCRR 375-1.5(b)(5).

2. A. By letter dated October 22, 1999, the Department requested from Consolidated Edison Company of New York, Inc., ("Respondent") information regarding the existence of any locations, in addition to those identified in Respondent's prior notifications to the Department, at which Respondent or its corporate predecessors formerly operated manufactured gas plants or gas holder operations used for the storage of manufactured gas (collectively and individually referred to herein as "MGPs.")

B. In response to the Department's request for MGP information, Respondent tentatively identified the properties at which Respondent and/or its corporate predecessors

may have formerly owned or operated MGPs. Respondent subsequently identified additional such properties.

C. Respondent entered into Voluntary Cleanup Agreement Index No. D2-0003-02-08, executed on August 15, 2002, with an effective date of August 25, 2002, under the Department's Voluntary Cleanup Program committing Respondent to implement activities to address in whole or in part environmental contamination associated with MGP operations at each site subject to such agreement. Such agreement was modified on August 26, 2005 and September 10, 2007 to add additional sites. Such agreement and modifications are collectively referred to as the "VCA" herein.

D. Subject to the terms of this Order, Respondent is required to address "MGP-Site Contamination," which is defined as any substance which (1) is included on the list of hazardous substances promulgated pursuant to ECL § 37-0103 and is a component or constituent of the by-products, residuals or wastes associated with the MGP operated by Respondent and/or its corporate predecessors in the past at the Site, or which otherwise resulted from the operations of Respondent and/or its corporate predecessors at the Site (collectively "wastes"); or (2) is included on the list of hazardous substances promulgated pursuant to ECL § 37-0103 and is an extraneous contaminant not associated with the MGP operations or other operations that Respondent and/or Respondent's corporate predecessors conducted at the Site, but is commingled or intermingled with wastes from the MGP operations or other operations that Respondent and/or Respondent's corporate predecessors conducted at the Site; provided that the concentrations of hazardous substances contained in the comingled or intermingled wastes as a result of the MGP operations or other operations that Respondent and/or Respondent's predecessors conducted at the Site are such that the commingled or intermingled wastes would independently require the implementation of remedial action even if the wastes did not contain the extraneous contaminant. Contamination other than MGP-Site Contamination is not required to be addressed under this Order unless it is commingled or intermingled with MGP-Site Contamination that alone would independently require the implementation of remedial action as provided immediately above in Subparagraph 2.D.(2) While the foregoing shall be applicable for purposes of implementing this Order, none of the foregoing shall be considered dispositive in any allocation of liability between Respondent and any third party for comingled or intermingled wastes. All references in Appendix "A" to "contamination" or "hazardous waste" shall be deemed to mean "MGP-Site Contamination."

3. Respondent has conducted investigatory and remedial work pursuant to the VCA. Respondent has received a Release and Covenant Not to Sue for certain sites for which all required work plans have been successfully completed under the VCA.

4. A number of the sites and/or off-site areas associated with the sites subject to the VCA require completion of investigation and remediation, as set forth in Exhibit "A" hereto.

5. Due to circumstances unrelated to Respondent's performance under the VCA, the Department's Voluntary Cleanup Program is terminating, necessitating the completion of

investigation and remediation pursuant to another legally controlling commitment that replaces the VCA.

6. This Order is entered into between Respondent and the Department for the purpose of ensuring the completion of investigation and remediation, as necessary, of MGP-Site Contamination at the sites or portions of sites identified in Exhibit "A" of this Order. For purposes of this Order, each location listed in Exhibit "A" is defined as a "Site." If multiple Sites are addressed by provisions of this Order, the term "Site" shall be read and construed in the plural.

7. The Sites addressed by this Order are not listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State ("Registry"). The Department does not intend to list any individual Site on the Registry unless Respondent fails to comply with the terms of this Order applicable to such Site, Respondent is unable to obtain access to such Site despite Respondent's reasonable efforts to do so, or this Order terminates with respect to such Site in accordance with Paragraph III, Subparagraph E.2 of Appendix "A" or Paragraph XIV, Subparagraph A.1 of Appendix "A."

8. Respondent represents, and the Department has relied upon Respondent's representations in entering into this Order, that Respondent's involvement with the Sites addressed by this Order is limited to Respondent's past and/or present ownership of such Sites and to former ownership and/or past operation of an MGP on or in proximity to each such Site by Respondent and/or one or more of Respondent's corporate predecessors.

9. The Department has determined that it is in the public interest to enter into this Order as a means for Respondent to address MGP Site Contamination at the Sites while ensuring the protection of human health and the environment.

10. Respondent consents to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, agreement (including without limitation the VCA), regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from any Site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from any Site constitutes a significant threat to the public health or environment.

11. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT**:

I. Real Property

The Sites subject to this Order are set forth in Exhibit "A" of this Order.

II. Previously Approved Work Plans and Work Performed Under the VCA

A. All Releases and Covenants Not to Sue issued under the VCA shall remain valid and in full force and effect under this Order.

B. Each Work Plan approved under the VCA as of the effective date of this Order is listed in Exhibit "A" and deemed approved under this Order, subject to any terms and conditions of the Department's approval under the VCA, and incorporated as an enforceable part of this Order (the "Previously Approved Work Plans"). Respondent shall implement the Previously Approved Work Plans in accordance with the schedules contained therein (as may have been amended). Work conducted under these Work Plans or otherwise conducted under the VCA (including without limitation, site characterizations, remedial investigations, remedial planning activities, remedial actions, or operation, monitoring and maintenance activities) for which Respondent has submitted a written report that the Department has approved shall be deemed approved for purposes of this Order, subject to the terms of the Department's approval. Other work conducted under the Previously Approved Work Plans pursuant to the VCA is acknowledged as satisfactorily completed pursuant to this Order to the extent such has been accepted by the Department under the VCA.

III. Initial Work Plan

As applicable, the title of the initial work plan to be submitted for each Site and the time frame within which each initial work plan shall be submitted to the Department are described in Exhibit "A."

IV. Work Plans

The Work Plans to be submitted pursuant to this Order shall be captioned as follows:

A. Remedial Investigation: A Work Plan which provides for the investigation of the nature and extent of contamination within the boundaries of the Site and emanating from such Site. Any initial assessment of each Site will include a screen for full TCL/TAL analysis;

B. Alternatives Analysis and Proposed Remedial Action Work Plan: A study undertaken to develop and evaluate options for a remedial program for MGP-Site Contamination associated with a Site, which study shall consider the use of the Site consistent with 6 NYCRR §§ 375-1.8(f)(9) and 375-1.8(g) and provide sufficient conceptual detail regarding the recommended remedy for the MGP-Site Contamination to enable the Department to solicit public comment and prepare a Decision Document;

C. IRM Work Plan: A work plan that provides for interim remedial measures related to MGP-Site Contamination;

D. Site Management Plan ("SMP"): A Work Plan that provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy, in each case, related to MGP-Site Contamination; or

E. Supplemental Work Plan: If additional Work Plans other than those set forth in Subparagraph IV.A-D of this Order are required to be prepared and implemented to address MGP-Site Contamination.

V. Payment of State Costs

Invoices shall be sent to Respondent at the following address(es):

Department Manager, MGP Remediation
Attention: Kenneth J. Kaiser, PE, BCEE
Consolidated Edison Company of New York, Inc.
31-01 20th Avenue, Bldg. 138
Astoria, NY 11105
kaiserk@coned.com

In addition to the requirement to pay future state costs as set forth in Appendix "A," Respondent understands that it is required to pay past State Costs not yet paid by Respondent pursuant to the VCA. Such costs are payable as State Costs pursuant to the terms of this Order.

VI. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Respondent shall be sent to:

Director, Remedial Bureau C
Attention: George Heitzman, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233
george.heitzman@dec.ny.gov

Director, Bureau of Environmental Exposure Investigation
Attention: Krista Anders (electronic copy only)
New York State Department of Health

Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
krista.anders@health.ny.gov

Manufactured Gas Plant Attorney
Attention: Dolores A. Tuohy, Esq. (correspondence only)
New York State Department of Environmental Conservation
Office of General Counsel
625 Broadway
Albany, NY 12233-1500
dolores.tuohy@dec.ny.gov

2. Communication from the Department to Respondent shall be sent to:

Department Manager, MGP Remediation
Attention: Kenneth J. Kaiser, PE, BCEE
Consolidated Edison Company of New York, Inc.
31-01 20th Avenue, Bldg. 138
Astoria, NY 11105
kaiserk@coned.com

Associate Counsel – Environmental (correspondence only)
Attention: Kevin J. Klesh, Esq.
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003
kleshk@coned.com

B. The Department and Respondent reserve the right to designate additional or different addressees for communication on a Site-specific basis on written notice to the other. Additionally, the Department reserves the right to request that the Respondent provide more than one paper copy of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph V.

VII. Termination of Sites from Voluntary Cleanup Program

Upon the effective date of this Order, each Site addressed by this Order shall be terminated from the Voluntary Cleanup Program and from the VCA referenced in Paragraph 2.C, above.

VIII. Applicability of Appendix "A" – Standard Clauses for All New York State, State Superfund Orders

Subject to the other terms of, and to the extent amended by, this Order, Appendix "A" - "Standard Clauses for All New York State, State Superfund Orders" is attached to and hereby made a part of this Order as if set forth fully herein.

A. Paragraph I of Appendix "A" is amended to provide that within 45 days of the effective date of this Order, Respondent shall submit to the DEC an updated generic Citizen Participation Plan.

B. Paragraph II of Appendix "A" shall be deemed deleted in its entirety as Respondent shall not be required to prepare and submit Records Search Reports for the Sites.

C. Paragraph III, Subparagraph A of Appendix "A" is amended to provide that the term "ROD" is replaced by "Decision Document." All other elements of the subparagraph remain as set forth in Appendix "A."

D. Paragraph III, Subparagraph E of Appendix "A" is amended to provide that the term "proposed remedial action plan ("PRAP")" is replaced by "Alternatives Analysis and Proposed Remedial Work Plan," and the term "ROD" is replaced by "Decision Document." All other elements of the subparagraph remain as set forth in Appendix "A."

E. Paragraph III, Subparagraph F of Appendix "A" is applicable to Respondent to the extent Respondent owns a particular Site, or if Respondent does not own a particular Site, to the extent that the property owner provides the certifications specified thereunder to Respondent or the necessary access for Respondent to prepare such certifications.

F. Paragraph IV, Subparagraph B.2 of Appendix "A" is amended to provide that the required notification period for a Force Majeure Event is within ten (10) working days of the onset of any Force Majeure Event. All other elements of the subparagraph remain as set forth in Appendix "A."

G. Paragraph X, Subparagraph A of Appendix "A" is amended to provide that, if Respondent does not own a particular Site, the notice provided to the Site owner pursuant to 6 NYCRR 375-1.5(a)(2) shall include reference to (i) 6 NYCRR 375-1.5(a)(2) and the owner obligations set forth therein and (ii) 6 NYCRR 375-1.11(d) and the owner obligations set forth therein. All other elements of the subparagraph remain as set forth in Appendix "A."

H. Paragraph XI of Appendix "A" is applicable to Respondent to the extent Respondent owns a particular Site or, if Respondent does not own a particular Site, to the extent that the property owner provides notice to Respondent of a change of use.

I. Paragraph XII of Appendix "A" is amended to provide that the terms "Record of Decision" and "ROD" are replaced by "Decision Document." All other elements of the subparagraph remain as set forth in Appendix "A."

J. Paragraph XIII of Appendix "A" is amended to provide that such Progress Reports shall be provided to the Department quarterly (due by the 15th day after the end of a quarter) unless a different frequency is approved by the Department in writing, in which event Respondent shall submit such reports consistent with the approved frequency. The Department, at its sole discretion, may agree to submittal of a consolidated Progress Report covering all active Sites. All other elements of the subparagraph remain as set forth in Appendix "A."

K. Paragraph XIV, Subparagraph A of Appendix "A" shall be deemed deleted in its entirety and replaced with the following:

"A. This Order will terminate with respect to a particular Site upon the earlier of the following events:

1. Respondent's election in accordance with Paragraph III.E.2 not to implement the remedial activities required pursuant to the Decision Document for a particular Site. In the event of termination in accordance with this Subparagraph, this Order shall terminate with respect to the specific Site effective the 5th day after the Department's receipt of the written notification, provided, however, that if there are one or more Work Plan(s) for which a final report has not been approved at the time of Respondent's notification of its election not to implement the remedial activities in accordance with the Decision Document, Respondent shall complete the activities required by such previously approved Work Plan(s) consistent with the schedules contained therein. Thereafter, this Order shall terminate with respect to the specific Site effective the 5th day after the Department's approval of the final report for all previously approved Work Plans; or

2. The Department's written determination that Respondent has completed all phases of the Remedial Program (including Site Management) for a particular Site, in which event the termination shall be effective on the 5th day after the date of the Department's letter stating that all phases of the remedial program have been completed, subject to the terms of the Release and Covenant Not to Sue for the particular Site."

L. Paragraph XV is amended to provide that the term "ROD" is replaced by "Decision Document." All other elements of the Paragraph remain as set forth in Appendix "A."

M. Paragraph XVI, Subparagraph C of Appendix "A" shall be deemed deleted in its entirety and replaced with the following:

"C. 1. Respondent shall use best efforts to obtain all Site permits, approvals,

and/or authorizations necessary to perform Respondent's obligations under this Order, including all Department-approved Work Plans and the schedules contained therein. If, despite Respondent's best efforts, any permits, approvals, or authorizations cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Respondent in obtaining same.

2. Notwithstanding anything in Paragraph XII of Appendix "A," Respondent shall be required to use reasonable efforts to obtain all Site access, easements (including without limitation any environmental easements), and/or institutional controls necessary to perform Respondent's obligations under this Order. If, despite Respondent's reasonable efforts, any access, easements, and/or institutional controls cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. Respondent shall not be deemed in violation of this Order or applicable law based solely on its inability to obtain access, easements and/or institutional controls for an individual Site despite reasonable efforts, and the Department may, as it deems appropriate and within its authority, assist Respondent. In such event, the Department reserves all of its rights to take additional action outside the terms of the Order.

3. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department reserves all rights and authorities to ensure a remedy protective of public health and the environment is implemented, whether pursuant to or outside the terms of this Order."

N. Paragraph XVI, Subparagraph H of Appendix "A" shall be deemed deleted in its entirety and replaced with the following:

"H. Any time limitations set forth in Section 113(g)(1) of CERCLA, as amended, 42 U.S.C. § 9613(g)(1), Section 1012(h)(2) of the Oil Pollution Act, as amended, 33 U.S.C. § 2712(h)(2), the Federal Water Pollution Control Act, the New York Navigation Law, the New York Environmental Conservation Law, or any other federal or state statute or regulation with respect to potential claims for natural resource damages against Respondent with respect to a particular Site or any other time limitations for the filing of potential natural resource damages claims against Respondent under any other applicable state or federal law with respect to a particular Site are tolled in their entirety from the effective date of this Order until termination of this Order with respect to a particular Site."

IX. Miscellaneous

A. No Record of Decision shall be issued pursuant to this Order. A Decision Document for each Site, as referenced above, shall document the process for the Department's selection of a remedy for each Site.

B. Site Specific Release and Covenant Not to Sue: Upon the Department's determination that: (i) Respondent is in compliance with the terms of this Order; and (ii) no requirements other than those remedial actions already conducted at a Site, if any, other than on-going Site Management activities or engineering or institutional controls being implemented, as may be applicable, at a particular Site are necessary to assure that conditions at such Site are protective of the public health and the environment, the Department shall provide Respondent with the Release and Covenant Not to Sue attached hereto as Exhibit "D," subject to the terms and conditions stated therein, for the applicable Site.

C. A Certificate of Completion, as defined in 6 NYCRR 375-2.9, shall not be issued pursuant to this Order.

D. The Department reserves all rights and authorities to address contaminants, as defined in 6 NYCRR Part 375, other than MGP-Site Contamination outside the terms of this Order.

E. Respondent shall cooperate with the Department and provide reasonable assistance to the Department as it solicits public comment on an Alternatives Analysis and Proposed Remedial Work Plan for each Site.

F. In the event of a conflict between the main body of this Order (including any and all attachments thereto and amendments thereof) and the terms of Appendix "A", the main body of this Order (including any and all attachments thereto (other than Appendix "A") and amendments thereof) shall control.

G. Respondent shall not be considered an operator of a Site solely by virtue of being subject to and/or having implemented this Order.

H. Respondent may, at any time, propose to divide a Site into smaller discrete Sites for the purpose of facilitating the implementation and completion of remedial investigations or actions at one or more of the discrete Sites. The Department shall approve any such reasonable request made pursuant to this Order.

I. The effective date of this Order is the 10th day after it is signed by the Commissioner or the Commissioner's designee.

DATED: July 13, 2018

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: _____
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

Consolidated Edison Company of New York, Inc.

By: Andrea Schnitzer

Title: Vice President, Environmental Health and Safety

Date: 7-13-18

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

On the 13th day of July in the year 2018, before me, the undersigned, personally appeared Andrea Schnitzer *(full name)* personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Barbara Dunne
Notary Public, State of New York

Barbara Dunne
Notary Public, State of New York
No. 02DU6341704
Qualified in Richmond County
Commission Expires May 9, 2020

EXHIBIT "A"

List of Sites

Site Name	Current Site No./ Prior (VCP) Site No.	Initial Work Plan (WP)/ WP Submittal Date
CE - Central Ave. - Peekskill MGP	360167 V00567	Final Supplemental Scope of Work February 2010 / Final SMP and Deed Restriction, December 2018
CE - E. 99th St. Works	231113	Groundwater Monitoring V00538 WP, May 2018 / Revised AA Report, November 2019
CE - E. 111th St. Works	231114 V00539	RI Report, January 2006 / AA Work Plan, October 2018
CE – E. 21st St. Works Off-Site	231112 V00536	N/A / RI Work Plan March 2019
CE - Farrington St. MGP	241208 2018 /	Supplemental RIWP, May V00560 Draft AA Report, December 2019
Hunt's Point Off-site: Sediment and Groundwater	203112 Multiple sites	OU3: SCWP June 2011 / AAR November 2017 OU5: Supplemental Sediment Investigation WP, November 2014 / Supplemental Sediment Investigation Report, December 2018
CE - Pelham MGP Offsite	360165 V00565	RIWP, February 2009 / RI report, December 2019

Site Name	Current Site No./ Prior (VCP) Site No.	Initial Work Plan (WP)/ WP Submittal Date
CE - Pemart Ave. - Peekskill MGP	360166 V00566	Draft RD February 2016 / OU1: Final RD, December 2018 OU2: Final RD March 2019
CE - Rye MGP	360168 V00571	RAWP, February 2018 / FER, June 2019
CE - Unionport Works	203109 Analysis July 2014 /	OU1: Alternatives V00553 Draft RD June 2019 OU2: Draft RAWP June 2018 / Final RAWP December 2018
CE - Woodworth Ave. MGP Yonkers	360164 V00564	SCWP, May 2008 / SC report, December 2018
CE - Zerega Ave. Station	203110 V00558	SCWP, April 2017 / Final AA, September 2018
CE - Cedar St MGP New Rochelle	360173 V00570	RI Report, July 2017 / AAR June 2018
CE - E. 11th St. MGP	231110 V00534	OU1: AA Report, February 2013 / SMP March 2019 OU2: N/A / Supplemental RI Work Plan March 2019 OU4: RAWP, October 2017 / Final RAWP December 2018
CE - E. 108th St. Station	231118	Supplemental SCWP V00545 August, 2006 / AA Work Plan, October 2018

Site Name	Current Site No./ Prior (VCP) Site No.	Initial Work Plan (WP)/ WP Submittal Date
CE - Ossining MGP	360172 V00568	RIWP, December 2007 (all 3 OUs) RI Report, September 2019 (all 3 OUs) / OU3: IRM WP, September 2008 / IRM CCR June 2019
CE - W. 18th St. Gas Works Bayview Correctional Facility	231005 V00530	AA Report SMP, October 2018
CE - W. 18th St. Gas Works Block 688/Lot 1001 and 1002	231005 V00530	RI Report, December 2009 RAWP December 2019
CE - W. 18th St. Gas Works Block 715/Lot 59 Verizon	231005 V00530	RI Report, December 2009 RAWP March 2019
CE - W. 45th St. Gas Works	231109	OU1: SMP November V00532 2016 / OU2: AAR November 2016 / Combined OUs: SMP November 2018
CE - York Ave Station	231117 V00544	RI Report October 2017 / SMP/Deed Restriction December 2018
CE - Hester Street Works Block 207/Lots 6,7,8 and 10	231120 V00528	SCWP, February 2009 / SMP and Deed Restriction, September 2018
CE - E. 138th St. - Bronx Works	203108 V00551	RI Report May 2012 / Final SMP October 2018
CE – Hastings Gas Works 8 Washington Avenue	360170 V00728	RWP October 2017 / FER December 2019

EXHIBIT "B"

RECORDS SEARCH REPORT

NOT APPLICABLE

EXHIBIT "C"

Cost Summary

INTENTIONALLY BLANK

EXHIBIT "D"

Form for Release and Covenant Not to Sue

Unless otherwise specified in this letter, all terms used in this letter shall have the meaning assigned to them under the terms of the Order on Consent entered into between the New York State Department of Environmental Conservation (the "Department") and Consolidated Edison Company of New York, Inc. ("Respondent"), Index No._____ (the "Order").

The Department is pleased to report that the Department is satisfied that the Order's Work Plan(s) relative to the [name of site] Site, identified as site number [number], located at_____, has been successfully implemented. [Reference Tax Map Identification Number, and reference and attach a map, metes and bounds description, and/or other appropriate identifying information.]

The Department, therefore, hereby releases and covenants not to sue, and shall forbear from bringing any action, proceeding, or suit against Respondent and Respondent's lessees and sublessees, grantees, successors, and assigns, and their respective secured creditors, for the further investigation and remediation of the Site, based upon the release or threatened release of MGP-Site Contamination, provided that (a) timely payments of the amounts specified in Paragraph V of the main body of the Order continue to be or have been made to the Department, (b) appropriate institutional controls were created and remain recorded in accordance with Paragraph VIII.M of the main body of the Order and Paragraph XII of Appendix "A" to the Order, and (c) Respondent and/or its lessees, sublessees, successors, or assigns comply with the requirements of the Site Management Plan, if any. Nonetheless, the Department hereby reserves all of its rights concerning, and such release and covenant not to sue shall not extend to, natural resource damages or to any further investigation or remedial action the Department deems necessary due to:

- migration off-Site of contaminants, as defined in 6 NYCRR Part 375, resulting in impacts that are not inconsequential to environmental resources, to human health, or to other biota and to off-Site migration of petroleum;

- a finding by the Department that a change in an environmental standard, factor, or criteria upon which a remedial work plan was based renders the remedial program implemented at the Site no longer protective of public health or the environment, and Respondent is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the Site which are protective of public health or the environment;

- a change in the Site's use subsequent to the Department's issuance of this Release and Covenant Not to Sue, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment applicable to 6 NYCRR Part 375;

- Respondent's failure to implement the Order to the Department's satisfaction; or

- fraud committed by Respondent in entering into or implementing this Order.

Additionally, the Department hereby reserves all of its rights concerning and any such release and covenant not to sue shall not extend to Respondent nor to any of Respondent's lessees, sublessees, successors, or assigns who cause or allow a release or threat of release at the Site of any hazardous substance (as that term is defined at 42 USC 9601[14]) or petroleum (as that term is defined in Navigation Law § 172[15]), other than MGP-Site Contamination; or cause or allow the use of the Site to change from the current use to one requiring a lower level of residual contamination before that use can be implemented with sufficient protection of human health and the environment; nor to any of Respondent's lessees, sublessees, successors, or assigns who are otherwise responsible under law for the remediation of the MGP-Site Contamination independent of any obligation that party may have respecting same resulting solely from the Order's execution.

Notwithstanding the above, however, with respect to any claim or cause of action asserted by the Department, the one seeking the benefit of this release and covenant not to sue shall bear the burden of proving that the claim or cause of action, or any part thereof, is attributable solely to MGP-Site Contamination and is not subject to the qualifiers and reopeners set forth herein.

Notwithstanding any other provision in this release, covenant not to sue, and forbearance:

- if with respect to the Site there exists or may exist a claim of any kind or nature on the part of the New York State Environmental Protection and Spill Compensation Fund against any party, nothing in this letter shall be construed or deemed to preclude the State of New York from recovering such claim;

- except as provided in this letter and the Order, nothing contained in this letter or the Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights (including, but not limited to, the right to recover natural resources damages) with respect to any party, including Respondent;

- nothing contained in this letter shall prejudice any rights of the Department to take any investigatory or remedial action it deems necessary if Respondent fails to comply with the Order or if contaminants, as defined in 6 NYCRR Part 375, other than MGP-Site Contamination is encountered at the Site;

- nothing contained in this letter shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers; and

- nothing contained in this letter shall be construed to affect the Department's right to terminate the Order under the terms of the Order at any time during its implementation if Respondent fails to comply substantially with the Order's terms and conditions.

In conclusion, the Department is pleased to be part of this effort to return the Site to productive use of benefit to the entire community.

DATED: _____

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

_____
Director, Division of Environmental Remediation

APPENDIX "A"

STANDARD CLAUSES FOR ALL NEW YORK STATE STATE SUPERFUND ORDERS

The parties to the State Superfund Order (hereinafter "Order") agree to be bound by the following clauses which are hereby made a part of the Order. The word "Respondent" herein refers to any party to the Order, other than the New York State Department of Environmental Conservation (hereinafter "Department").

I. Citizen Participation Plan

Within twenty (20) days after the effective date of this Order, Respondent shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL §27-1417 and 6 NYCRR sections 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Order.

II. Initial Submittal

Within thirty (30) days after the effective date of this Order, Respondent shall submit to the Department a Records Search Report prepared in accordance with Exhibit "B" attached to the Order. The Records Search Report can be limited if the Department notifies Respondent that prior submissions satisfy specific items required for the Records Search Report.

III. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

All activities at the Site that comprise any element of an Inactive Hazardous Waste Disposal Site Remedial Program shall be conducted pursuant to one or more Department-approved work plans ("Work Plan" or "Work Plans") and this Order and all activities shall be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, as required under CERCLA, 42 U.S.C. § 9600 *et seq*. The Work Plan(s) under this Order shall address both on-Site and off-Site conditions and shall be developed and implemented in accordance with 6 NYCRR § 375-1.6(a), 375-3.6, and 375-6. All Department-approved Work Plans shall be incorporated into and become enforceable parts of this Order. Upon approval of a Work Plan by the Department, Respondent shall implement such Work Plan in accordance with the schedule contained therein. Nothing in this Subparagraph shall mandate that any particular Work Plan be submitted.

The Work Plans shall be captioned as follows:

1. Site Characterization ("SC") Work Plan: a Work Plan which provides for the identification of the presence of any hazardous waste disposal at the Site;

2. Remedial Investigation/Feasibility Study ("RI/FS") Work Plan: a Work Plan which provides for the investigation of the nature and extent of contamination within the boundaries of the Site and emanating from such Site and a study of remedial alternatives to address such on-site and off-site contamination;

3. Remedial Design/Remedial Action ("RD/RA") Work Plan: a Work Plan which provides for the development and implementation of final plans and specifications for implementing the remedial alternative set forth in the ROD;

4. "IRM Work Plan" if the Work Plan provides for an interim remedial measure;

5. "Site Management Plan" if the Work Plan provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy; or

6. "Supplemental" if additional work plans other than those set forth in II.A.1-5 are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. Respondent may opt to propose one or more additional or supplemental Work Plans (including one or more IRM Work Plans) at any time,

which the Department shall review for appropriateness and technical sufficiency.

2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan.

i. The Department shall notify Respondent in writing if the Department determines that any element of a Department-approved Work Plan needs to be modified in order to achieve the objectives of the Work Plan as set forth in Subparagraph III.A or to ensure that the Remedial Program otherwise protects human health and the environment. Upon receipt of such notification, Respondent shall, subject to dispute resolution pursuant to Paragraph XV, modify the Work Plan.

ii. The Department may request, subject to dispute resolution pursuant to Paragraph XV, that Respondent submit additional or supplemental Work Plans for the Site to complete the current remedial phase within thirty (30) Days after the Department's written request.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

4. During all field activities conducted under a Department-approved Work Plan, Respondent shall have on-Site a representative who is qualified to supervise the activities undertaken in accordance with the provisions of 6 NYCRR 375-1.6(a)(3).

5. A Professional Engineer licensed and registered in New York State must stamp and sign all Work Plans other than SC or RI/FS Work Plans.

C. Submission of Final Reports and Periodic Reports

1. In accordance with the schedule contained in a Work Plan, Respondent shall submit a final report as provided at 6 NYCRR 375-1.6(b) and a final engineering report as provided at 6 NYCRR 375-1.6(c).

2. Any final report or final engineering report that includes construction activities shall include "as built" drawings showing any changes made to the remedial design or the IRM.

3. In the event that the final engineering report for the Site requires Site management, Respondent shall submit an initial periodic report by in accordance with the schedule in the Site Management Plan and thereafter in accordance with a schedule determined by the Department. Such periodic report shall be signed by a Professional Engineer or by such other qualified environmental professional as the Department may find acceptable and shall contain a certification as provided at 6 NYCRR 375-1.8(h)(3). Respondent may petition the Department for a determination that the institutional and/or engineering controls may be terminated. Such petition must be supported by a statement by a Professional Engineer that such controls are no longer necessary for the protection of public health and the environment. The Department shall not unreasonably withhold its approval of such petition.

4. Within sixty (60) days of the Department's approval of a Final Report, Respondent shall submit such additional Work Plans as is required by the Department in its approval letter of such Final Report. Failure to submit any additional Work Plans within such period shall be a violation of this Order.

D. Review of Submittals

1. The Department shall make a good faith effort to review and respond in writing to each submittal Respondent makes pursuant to this Order within sixty (60) Days. The Department's response shall include, in accordance with 6 NYCRR 375-1.6(d), an approval, modification request, or disapproval of the submittal, in whole or in part.

i. Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Order and shall be implemented in accordance with the schedule contained therein.

ii. If the Department modifies or requests modifications to a submittal, it shall specify the reasons for such modification(s). Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department

of its election in accordance with 6 NYCRR 375-1.6(d)(3). If Respondent elects to modify or accept the Department's modifications to the submittal, Respondent shall make a revised submittal that incorporates all of the Department's modifications to the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(3). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

iii. If the Department disapproves a submittal, it shall specify the reasons for its disapproval. Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(4). If Respondent elects to modify the submittal, Respondent shall make a revised submittal that addresses all of the Department's stated reasons for disapproving the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(4). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

2. Within thirty (30) Days after the Department's approval of a final report, Respondent shall submit such final report, as well as all data gathered and drawings and submittals made pursuant to such Work Plan, in an electronic format acceptable to the Department. If any document cannot be converted into electronic format, Respondent shall submit such document in an alternative format acceptable to the Department.

E. Department's Issuance of a ROD

1. Respondent shall cooperate with the Department and provide reasonable assistance, consistent with the Citizen Participation Plan, in soliciting public comment on the proposed remedial action plan ("PRAP"), if any. After the close of the public comment period, the Department shall select a final remedial alternative for the Site in a ROD. Nothing in this Order shall be construed to abridge any rights of Respondent, as provided by law, to judicially challenge the Department's ROD.

2. Respondent shall have 60 days from the date of the Department's issuance of the ROD to notify the Department in writing whether it will implement the remedial activities required by such ROD. If the Respondent elects not to implement the required remedial activities, then this order shall terminate in accordance with Paragraph XIV.A. Failure to make an election or failure to comply with the election is a violation of this Order.

3. Nothing in this Order, in any submittal, or in any work plan(s) submitted pursuant to this Order shall modify, expand, reduce, or otherwise change the remedial activities (including site management) required by a ROD issued by the Department.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Respondent shall submit a written certification in accordance with 6 NYCRR 375-1.8(h)(3) and 375-3.8(h)(2).

IV. Penalties

A. 1. Respondent's failure to comply with any term of this Order constitutes a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4). Nothing herein abridges Respondent's right to contest any allegation that it has failed to comply with this Order.

2. Payment of any penalties shall not in any way alter Respondent's obligations under this Order.

B. 1. Respondent shall not suffer any penalty or be subject to any proceeding or action in the event it cannot comply with any requirement of this Order as a result of any Force Majeure Event as provided at 6 NYCRR 375-1.5(b)(4). Respondent must use best efforts to anticipate the potential Force Majeure Event, best efforts to address any such event as it is occurring, and best efforts following the Force Majeure Event to minimize delay to the greatest extent possible. "Force Majeure" does not include Respondent's economic inability to comply with any obligation, the failure of Respondent to make complete and timely application for any required

approval or permit, and non-attainment of the goals, standards, and requirements of this Order.

2. Respondent shall notify the Department in writing within five (5) Days of the onset of any Force Majeure Event. Failure to give such notice within such five (5) Day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall be deemed to know of any circumstance which it, any entity controlled by it, or its contractors knew or should have known.

3. Respondent shall have the burden of proving by a preponderance of the evidence that (i) the delay or anticipated delay has been or will be caused by a Force Majeure Event; (ii) the duration of the delay or the extension sought is warranted under the circumstances; (iii) best efforts were exercised to avoid and mitigate the effects of the delay; and (iv) Respondent complied with the requirements of Subparagraph IV.B.2 regarding timely notification.

4. If the Department agrees that the delay or anticipated delay is attributable to a Force Majeure Event, the time for performance of the obligations that are affected by the Force Majeure Event shall be extended for a period of time equivalent to the time lost because of the Force majeure event, in accordance with 375-1.5(4).

5. If the Department rejects Respondent's assertion that an event provides a defense to non-compliance with this Order pursuant to Subparagraph IV.B, Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and Respondent's position prevails.

V. Entry upon Site

A. Respondent hereby consents, upon reasonable notice under the circumstances presented, to entry upon the Site (or areas in the vicinity of the Site which may be under the control of Respondent) by any duly designated officer or employee of the Department or any State agency having jurisdiction with respect to matters addressed pursuant to this Order, and by any agent, consultant, contractor, or other person so authorized by the Commissioner, all of whom shall abide by the health and safety rules in effect for the Site, for inspecting, sampling, copying records related to the contamination at the Site, testing, and any other activities necessary to ensure Respondent's compliance with this Order. Upon request, Respondent shall (i) provide the Department with suitable work space at the Site, including access to a telephone, to the extent available, and (ii) permit the Department full access to all non-privileged records relating to matters addressed by this Order. Raw data is not considered privileged and that portion of any privileged document containing raw data must be provided to the Department. In the event Respondent is unable to obtain any authorization from third-party property owners necessary to perform its obligations under this Order, the Department may, consistent with its legal authority, assist in obtaining such authorizations.

B. The Department shall have the right to take its own samples and scientific measurements and the Department and Respondent shall each have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled. The Department shall make the results of any such sampling and scientific measurements available to Respondent.

VI. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR 375-1.5 (b)(3)(i). Failure to timely pay any invoice will be subject to late payment charge and interest at a rate of 9% from the date the payment is due until the date the payment is made.

B. Costs shall be documented as provided by 6 NYCRR 375-1.5(b)(3). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

D. The Department shall provide written notification to the Respondent of any change in the foregoing addresses.

E. If Respondent objects to any invoiced costs under this Order, the provisions of 6 NYCRR 375-1.5 (b)(3)(v) and (vi) shall apply. Objections shall be sent to the Department as provided under subparagraph VI.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to Paragraph IV or the Department may commence an enforcement action for non-compliance with ECL '27-1423 and ECL 71-4003.

VII. Release and Covenant Not to Sue

Upon the Department's issuance of a Certificate of Completion as provided at 6 NYCRR 375-1.9 and 375-2.9, Respondent shall obtain the benefits conferred by such provisions, subject to the terms and conditions described therein.

VIII. Reservation of Rights

A. Except as provided at 6 NYCRR 375-1.9 and 375-2.9, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights or authorities, including, but not limited to, the right to require performance of further investigations and/or response action(s), to recover natural resource damages, and/or to exercise any summary abatement powers with respect to any person, including Respondent.

B. Except as otherwise provided in this Order, Respondent specifically reserves all rights and defenses under applicable law respecting any Departmental assertion of remedial liability and/or natural resource damages against Respondent, and further reserves all rights respecting the enforcement of this Order, including the rights to notice, to be heard, to appeal, and to any other due process. The existence of this Order or Respondent's compliance with it shall not be construed as an admission of liability, fault, wrongdoing, or breach of standard of care by Respondent, and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party. Further, Respondent reserves such rights as it may have to seek and obtain contribution, indemnification, and/or any other form of recovery from its insurers and from other potentially responsible parties or their insurers for past or future response and/or cleanup costs or such other costs or damages arising from the contamination at the Site as may be provided by law, including but not limited to rights of contribution under section 113(f)(3)(B) of CERCLA, 42 U.S.C. § 9613(f)(3)(B).

IX. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, the Trustee of the State's natural resources, and their representatives and employees harmless as provided by 6 NYCRR 375-2.5(a)(3)(i).

X. Public Notice

A. Within thirty (30) Days after the effective date of this Order, Respondent shall provide notice as required by 6 NYCRR 375-1.5(a). Within sixty (60) Days of such filing, Respondent shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy.

B. If Respondent proposes to transfer by sale or lease the whole or any part of Respondent's interest in the Site, or becomes aware of such transfer, Respondent shall, not fewer than forty-five (45) Days before the date of transfer, or within forty-five (45) Days after becoming aware of such conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed or actual date of the conveyance, and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order. However, such obligation shall not extend to a conveyance by means of a corporate reorganization or merger or the granting of any rights under any mortgage, deed, trust, assignment, judgment, lien, pledge, security agreement, lease, or any other right accruing to a person not affiliated with Respondent to secure the repayment of money or the performance of a duty or obligation.

XI. Change of Use

Applicant shall notify the Department at least sixty (60) days in advance of any change of use, as defined in 6 NYCRR 375-2.2(a), which is proposed for the Site, in accordance with the provisions of 6 NYCRR 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Applicant of such determination within forty-five (45) days of receipt of such notice.

XII. Environmental Easement

A. If a Record of Decision for the Site relies upon one or more institutional and/or engineering controls, Respondent (or the owner of the Site) shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36, and 6 NYCRR 375-1.8(h)(2). Upon acceptance of the Environmental Easement by the State, Respondent shall comply with the requirements of 6 NYCRR 375-1.8(h)(2).

B. If the ROD provides for no action other than implementation of one or more institutional controls, Respondent shall cause an environmental easement to be recorded under the provisions of Subparagraph XII.A.

C. If Respondent does not cause such environmental easement to be recorded in accordance with 6 NYCRR 375-1.8(h)(2), Respondent will not be entitled to the benefits conferred by 6 NYCRR 375-1.9 and 375-2.9 and the Department may file an Environmental Notice on the site.

XIII. Progress Reports

Respondent shall submit a written progress report of its actions under this Order to the parties identified in Subparagraph IV.A.1 of the Order by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination date as set forth in Paragraph XIV, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Respondent in connection with this Site, whether under this Order or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XIV. Termination of Order

A. This Order will terminate upon the earlier of the following events:

1. Respondent's election in accordance with Paragraph III.E.2 not to implement the remedial activities required pursuant to the ROD. In the event of termination in accordance with this Subparagraph, this Order shall terminate effective the 5th Day after the Department's receipt of the written notification, provided, however, that if there are one or more Work Plan(s) for which a final report has not been approved at the time of Respondent's notification of its election not to implement the remedial activities in accordance with the ROD, Respondent shall complete the activities required by such previously approved Work Plan(s) consistent with the schedules contained therein. Thereafter, this Order shall terminate effective the 5th Day after the Department's approval of the final report for all previously approved Work Plans; or

2. The Department's written determination that Respondent has completed all phases of the Remedial Program (including Site Management), in which event the termination shall be effective on the 5th Day after the date of the Department's letter stating that all phases of the remedial program have been completed.

B. Notwithstanding the foregoing, the provisions contained in Paragraphs VI and IX shall survive the termination of this Order and any violation of such surviving Paragraphs shall be a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4), subjecting Respondent to penalties as provided under Paragraph IV so long as such obligations accrued on or prior to the Termination Date.

C. If the Order is terminated pursuant to Subparagraph XIV.A.1, neither this Order nor its termination shall affect any liability of Respondent for remediation of the Site and/or for payment of State Costs, including implementation of removal and remedial actions, interest, enforcement, and any and all other response costs as defined under CERCLA, nor shall it affect any defenses to such liability that may be asserted by Respondent. Respondent shall also ensure that it does not leave the Site in a condition, from the perspective of human health and environmental protection, worse than that which existed before any activities under this Order were commenced. Further, the Department's efforts in obtaining and overseeing compliance with this Order shall constitute reasonable efforts under law to obtain

a voluntary commitment from Respondent for any further activities to be undertaken as part of a Remedial Program for the Site.

XV. Dispute Resolution

A. In the event disputes arise under this Order, Respondent may, within fifteen (15) Days after Respondent knew or should have known of the facts which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Order.

C. Nothing contained in this Order shall be construed to authorize Respondent to invoke dispute resolution with respect to the remedy selected by the Department in the ROD or any element of such remedy, nor to impair any right of Respondent to seek judicial review of the Department's selection of any remedy.

XVI. Miscellaneous

A. Respondent agrees to comply with and be bound by the provisions of 6 NYCRR Subparts 375-1 and 375-2; the provisions of such Subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Order to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Order.

B. The Department may exempt Respondent from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Order in accordance with 6 NYCRR 375-1.12(b), (c), and (d).

C. 1. Respondent shall use best efforts to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Respondent's obligations under this Order, including all Department-approved Work Plans and the schedules contained therein. If, despite Respondent's best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Respondent in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Respondent to modify the Work Plan pursuant to 6 NYCRR 375-1.6(d)(3) to reflect changes necessitated by Respondent's inability to obtain such interest.

D. The paragraph headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Order.

E. 1. The terms of this Order shall constitute the complete and entire agreement between the Department and Respondent concerning the implementation of the activities required by this Order. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order. In the event of a conflict between the terms of this Order and any Work Plan submitted pursuant to this Order, the terms of this Order shall control over the terms of the Work Plan(s). Respondent consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Order.

2. i. Except as set forth herein, if Respondent desires that any provision of this Order be changed, Respondent shall make timely written application to the Commissioner with copies to the parties listed in Subparagraph IV.A.1.

ii. If Respondent seeks to modify an approved Work Plan, a written request shall be made to the Department's project manager, with copies to the parties listed in Subparagraph IV.A.1.

iii. Requests for a change to a time frame set forth in this Order shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Respondent promptly.

F. 1. If there are multiple parties signing this Order, the term "Respondent" shall be read in the plural, the obligations of each such party under this Order are joint and several, and the insolvency of or failure by any Respondent to implement any obligations under this Order shall not affect the obligations of the remaining Respondent(s) under this Order.

2. If Respondent is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Order are joint and several and the insolvency or failure of any general partner to implement any obligations under this Order shall not affect the obligations of the remaining partner(s) under this Order.

3. Notwithstanding the foregoing Subparagraphs XVI.F.1 and 2, if multiple parties sign this Order as Respondents but not all of the signing parties elect to implement a Work Plan, all Respondents are jointly and severally liable for each and every obligation under this Order through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Respondents electing to perform additional work shall be jointly and severally liable under this Order for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Order relative to the activities set forth in such Work Plan(s). Further, only those Respondents electing to implement such additional Work Plan(s) shall be eligible to receive the release and covenant not to sue referenced in Paragraph VII.

G. Respondent shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL 27-1421(6) and 6 NYCRR 375-1.5(b)(5).

H. Any time limitations set forth in Section 113(g)(1) of CERCLA, as amended, 42 U.S.C. § 9613(g)(1), Section 1012(h)(2) of the Oil Pollution Act, as amended, 33 U.S.C. § 2712(h)(2), the Federal Water Pollution Control Act, the New York Navigation Law, the New York Environmental Conservation Law, or any other federal or state statute or regulation with respect to potential claims for natural resource damages against Respondent or any other time limitations for the filing of potential natural resource damages claims against Respondent under any other applicable state or federal law are tolled in their entirety from the effective date of this Order until termination of this Order.

I. Unless otherwise expressly provided herein, terms used in this Order which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

J. Respondent's obligations under this Order represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

K. Respondent and Respondent's successors and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent shall in no way alter Respondent's responsibilities under this Order.

L. This Order may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM AND NAVIGATION LAW

In the Matter of the Implementation of Investigation Programs and, if necessary, Remediation Programs for Certain Former Manufactured Gas Plant and Gas Holder Station Locations by:	**Amendment to Order on Consent and Administrative Settlement**
Consolidated Edison Company of New York, Inc.,	**Index No. CO 0-20180516-519**
Respondent	Multiple Sites

---

1. Consolidated Edison Company of New York, Inc., ("Respondent") consented to the issuance of Order on Consent and Administrative Settlement Index No. CO 0-20180516-519 (the "Order"), which was signed by a representative of the New York State Department of Environmental Conservation ("Department") on July 13, 2018.

2. The Order was entered into for the purpose of ensuring the completion of Respondent's investigation and remediation, as necessary, of MGP-Site Contamination at the sites or portions of sites identified in Exhibit "A" of the Order. The sites that are included in the Order were previously being addressed under the Department's Voluntary Cleanup Program under Voluntary Cleanup Agreement Index No. D2-0003-02-08 ("VCA"). The Voluntary Cleanup Program ended statewide in 2018.

3. The Department and Respondent desire to amend the Order to provide a mechanism for the sites identified in the Order, all of which were previously included in the VCA, to transition into the Brownfield Cleanup Program to encourage the coordinated remediation of MGP and non-MGP-Site Contamination at such sites and to promote redevelopment.

4. Respondent consents to the issuance of this Amendment without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, agreement, regulation, permit, order (including without limitation the Order), requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from any site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from any site constitutes a significant threat to the public health or environment.

5. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Amendment,

and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Amendment, and agrees not to contest the validity of this Amendment or its terms or the validity of data submitted to the Department by Respondent pursuant to this Amendment.

6. All capitalized terms in this Amendment shall have the same meaning as defined in the Order, unless specified otherwise in this Amendment.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT**:

I. The Order shall be amended as indicated herein on the date this Amendment is signed by the Commissioner of the Department of Environmental Conservation or his designee.

II. Transition of Sites to the Brownfield Cleanup Program

A new paragraph X will be added to the Order entitled "Transition of Sites to the Brownfield Cleanup Program" which will include the following language:

X. Transition of Sites to the Brownfield Cleanup Program

1. Respondent may, at any time, propose to transition a Site or a portion thereof (hereafter, the "Property") into the Brownfield Cleanup Program ("BCP") for the purpose of facilitating the implementation and completion of remedial investigations or actions at one or more discrete areas. The Department shall accept such a proposal upon a finding that:

A. The Property was previously in the Voluntary Cleanup Program and is not classified as a Class 2 site on the New York State Registry of Inactive Hazardous Waste Disposal Sites;
B. Respondent is not currently engaged in remedial design or remedial action for the Property to fulfill the requirements of a Record of Decision or Decision Document; and
C. The implementation of the remedial program through the BCP will further the effectiveness of the remedial program, will result in a coordinated remediation that will address both MGP Site contamination and non-MGP-Site Contamination that may exist on the Property (if applicable), will ensure the protection of the public health and the environment, and will encourage the redevelopment and reuse of the Property.

Notwithstanding the foregoing, with respect to Item B, the Department and Respondent may consider and agree that transition of a Property into the BCP may be appropriate based on the specific facts and circumstances (including, without limitation, that the transition into the BCP would further the goals of Item C).

2. Upon the approval of the transition of a Property to the BCP pursuant to paragraph X.1., the Property will be reclassified (if the Property constitutes the entire Site) or excluded from the Site boundary (if it constitutes a portion of the Site) and deferred by the Department to "inactive

status" under this Order, and for the time frame that the Property is participating in the BCP. The effective date of the reclassification to "inactive status" shall be the date that the Brownfield Cleanup Agreement ("BCA") for the Property is fully executed. While the Property is in "inactive status", Respondent shall have no active obligations relative to the Property under the Order. Respondent shall remain obligated to complete the remedial program for any MGP contamination emanating from a Property that is "off-site" of the Property and for other portions of the Site that Respondent has not proposed to transition to the BCP.

3. Upon completion of the remediation at a Property, the BCP applicant(s) will be issued a Certificate of Completion ("COC") under the BCP. Respondent will not be issued a COC or a release and covenant not to sue for a Property under this Order, unless and until the remedial program for the entire Site subject to this Order and associated with the Property is completed to the satisfaction of the Department, including any necessary remediation of off-site MGP contamination.

4. The Department's reclassification of a Property to "inactive status" under this Order is without prejudice to the Department or Respondent. The parties have reserved their respective rights under this Order to have the Property reclassified to "active status" under the Order, to the extent that the Property is withdrawn from the BCP, if the Department terminates the BCA for cause, or if a COC issued to the Property pursuant to the BCP is rescinded. The reclassification of the Property to "active status" will reinstate Respondent's obligation to complete the remedial program for the Property's MGP contamination under this Order. The Department shall notify Respondent in the event the Property is withdrawn or terminated from the BCP, or if a COC issued for the Property pursuant to the BCP is revoked.

III. All other provisions of the Order remain unchanged, in full force and effect and shall be binding on Respondent.

DATED: August 19, 2021

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

Consolidated Edison Company of New York, Inc.

By: Venetia Lannon

Title: Vice President

Date: 7.29.21

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 29 day of July in the year 2021, before me, the undersigned, personally appeared Venetia Lannon *(full name)* personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Eleni Haloulakos
Notary Public, State of New York

ELENI HALOULAKOS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6062866
Qualified in Nassau County
Commission Expires Aug 20, 2021

EXHIBIT B

FIELDWORK COMPLETED: July 1, 2021

TITLE COMMITMENT
Title No. BTA80078
Effective Date: March 13, 2021

CERTIFICATIONS:

Wilder Balter
Stewart Title Insurance Company
Benchmark Title Agency, LLC

DEED REFERENCE:
AS TO SECTION 89.19 BLOCK 6 LOT 22:
Liber 4245 Page 116 (Premises and More)
Recorded: April 20, 1945
Grantor: Albert W. Hendrickson, Esq., Referee
Grantee: Village of Ossining

DEED REFERENCE:
AS TO SECTION 89.19 BLOCK 6 LOTS 26, 27, 28 and 29:
Liber 5770 Page 275
Recorded: December 30, 1957
Grantor: Consolidated Edison Company of New York, Inc.
Grantee: Village of Ossining

MAP REFERENCE:
Map Entitled "Survey of Property", situate in the Village of Ossining, Westchester County, New York, Belonging to Village of Ossining dated April 1958 prepared by W.A. Slater, P.E. & L.S.

GENERAL NOTES:
Property corner monuments were not placed as part of this survey.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2 of the New York State Education Law.

The alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plats prepared by others.

Underground structures, if any exist, are not shown hereon, except as noted. The location of underground improvements or encroachments are not always known and often must be estimated. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to this surveyor, they may not be shown on this map and are not certified.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person or entity for whom this survey was prepared and on their behalf to the title company, governmental agency and/or lending institution listed hereon, and to the assignees thereof.

Certifications are not transferable to additional lending institutions or subsequent owners.

This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title examiner.

Only copies from the original of this survey marked with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed seal should be assumed to be an unauthorized copy.

Plainimetric details shown hereon were derived from Aerial Photography dated: December 7, 2017 by GEO Mpas International.

ALL that certain piece or parcel of land situate, lying and being in the Village of Ossining, County of Westchester, and State of New York, bounded and described as follows:
BEGINNING at a point on the southerly line of Central Avenue, said point being on the common boundary line of lands now or formerly belonging to J & J Main Street, LLC on the east and lands now or formerly belonging to Village of Ossining on the west; running thence along the easterly line of said lands of Village of Ossining and the westerly line of said lands of J & J Main Street, LLC, lands now or formerly belonging to Tino Talic and lands now or formerly belonging to Michael J. Campbell Jr.
South 15°46'17" West 40.90 feet,
South 19°46'17" West 64.77 feet, and
South 22°46'17" West 147.26 feet to the northerly line of other lands now or formerly belonging to Village of Ossining;
thence along the northerly line of said lands,
North 75°49'43" West 38.79 feet,
South 70°46'17" West 39.00 feet, and
South 40°46'17" West 52.00 feet to the northerly line of lands now or formerly belonging to Ovo Property Group LLC;
thence along said lands,
North 66°30'03" West 28.50 feet,
South 26°33'57" West 77.25 feet,
South 03°55'57" West 27.10 feet,
South 07°58'53" East 22.50 feet, and
South 27°34'53" East 25.50 feet to the northerly line of Main Street;
thence along the northerly line of Main Street,
South 62°22'57" West 69.38 feet,
South 60°04'17" West 46.85 feet,
South 56°50'27" West 84.75 feet,
South 51°41'57" West 34.71 feet, and
South 45°10'37" West 43.64 feet to the northeasterly line of lands now or formerly belonging to Victor & Jackqueline Calderon;
thence along said line North 67°02'03" West 82.25 feet to the easterly line of Water Street;
thence along said easterly line of Water Street,
North 05°49'43" West 73.06 feet,
North 28°14'23" West 103.47 feet,
North 59°05'07" East 8.35 feet, and
North 31°35'53" West 7.92 feet to a non-tangent curve connecting the easterly line of Water Street with the southerly line of Central Avenue;
thence along said curve turning to the right with a radius of 50.00 feet, an arc length of 47.49 feet and a delta angle of 54°25'30", to a point of tangency,

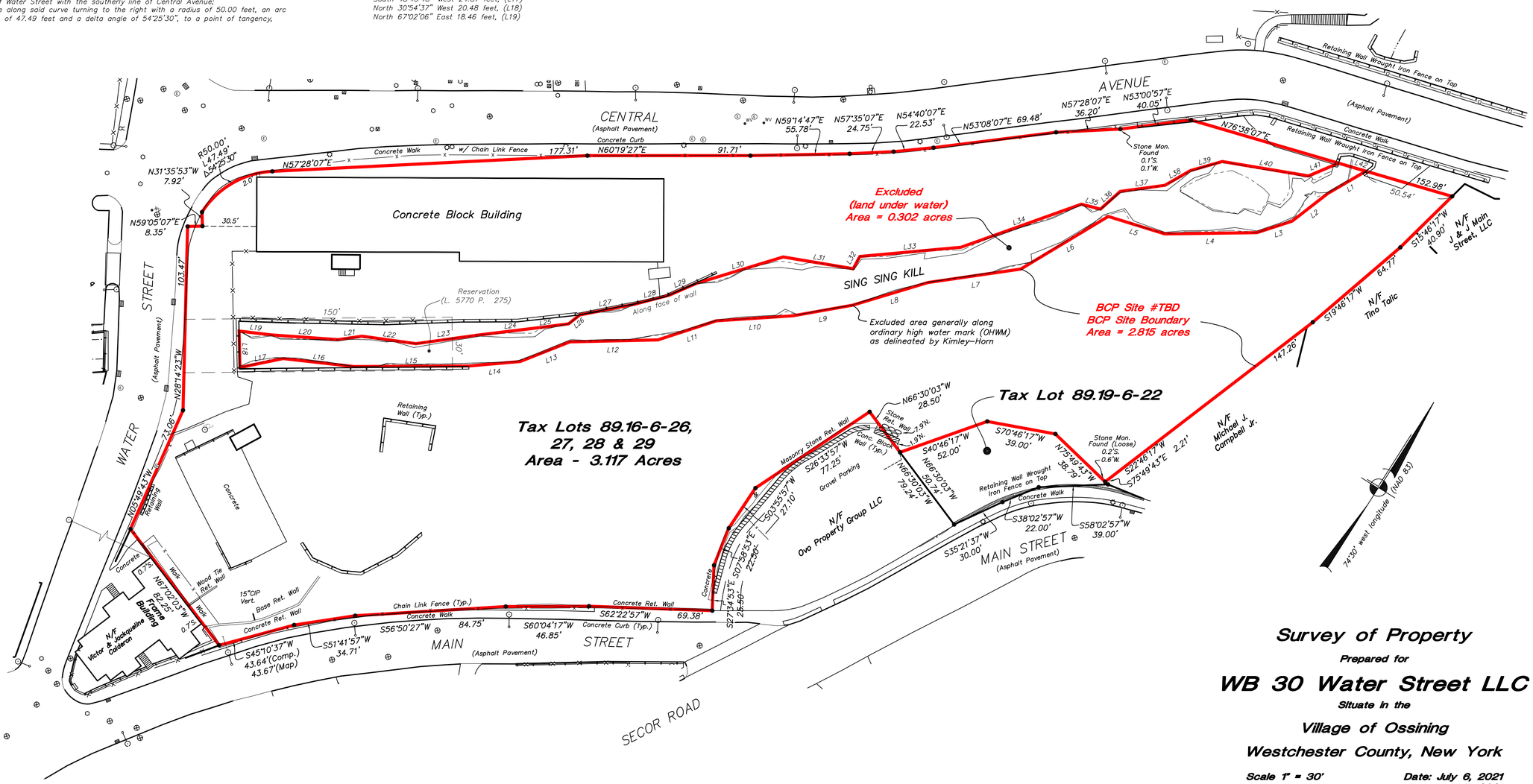
thence continuing along said southerly line of Central Avenue,
North 57°28'07" East 177.31 feet,
North 60°19'27" East 91.71 feet,
North 59°14'47" East 55.78 feet,
North 57°35'07" East 24.75 feet,
North 54°40'07" East 22.53 feet,
North 53°08'07" East 69.48 feet,
North 57°28'07" East 36.20 feet,
North 53°00'57" East 40.05 feet,
North 76°38'07" East 152.98 feet, to the point or place of Beginning.

EXCLUDING THEREFROM all that certain piece or parcel of land situate, lying and being in the Village of Ossining, County of Westchester, and State of New York, bounded and described as follows:
BEGINNING at a point on the southerly line of Central Avenue, said point being South 76°38'07" West 50.54 feet from the common boundary line of lands now or formerly belonging to J & J Main Street, LLC on the east and lands now or formerly belonging to Village of Ossining on the west;
thence through said lands of Village of Ossining the following bearings and distances:
South 30°00'53" West 24.83 feet, (L1)
South 22°25'29" West 25.41 feet, (L2)
South 42°16'29" West 20.86 feet, (L3)
South 59°34'32" West 51.74 feet, (L4)
South 77°27'28" West 33.26 feet, (L5)
South 29°18'00" West 57.41 feet, (L6)
South 52°02'54" West 52.75 feet, (L7)
South 43°35'29" West 44.28 feet, (L8)
South 50°12'02" West 33.93 feet, (L9)
South 56°34'06" West 43.26 feet, (L10)
South 42°15'37" West 34.61 feet, (L11)
South 59°01'25" West 49.50 feet, (L12)
South 38°43'18" West 30.01 feet, (L13)
South 55°26'19" West 28.95 feet, (L14)
South 60°00'28" West 64.50 feet, (L15)
South 66°43'01" West 40.16 feet, (L16)
South 48°43'48" West 24.87 feet, (L17)
North 30°54'37" West 20.48 feet, (L18)
North 67°02'06" East 18.46 feet, (L19)
North 64°24'02" East 37.47 feet, (L20)
North 52°09'10" East 13.59 feet, (L21)
North 68°11'06" East 30.56 feet, (L22)
North 52°27'26" East 35.90 feet, (L23)
North 53°24'31" East 36.40 feet, (L24)
North 52°50'25" East 14.29 feet, (L25)
North 21°42'53" East 7.99 feet, (L26)
North 49°18'59" East 30.98 feet, (L27)
North 45°35'19" East 20.69 feet, (L28)
North 36°49'24" East 16.49 feet, (L29)
North 43°23'00" East 51.06 feet, (L30)
North 69°52'07" East 39.93 feet, (L31)
North 01°13'35" West 7.84 feet, (L32)
North 55°06'41" East 57.09 feet, (L33)
North 40°38'26" East 71.88 feet, (L34)
North 74°40'45" East 11.10 feet, (L35)
North 18°26'58" East 14.92 feet, (L36)
North 52°30'15" East 25.37 feet, (L37)
North 30°20'12" East 16.54 feet, (L38)
North 44°21'59" East 18.64 feet, (L39)
North 69°51'21" East 49.21 feet, (L40) and
North 37°05'31" East 18.29 feet (L41) to the southerly line of Central Avenue,
North 76°38'07" East 16.05 feet (L42) along said southerly line of Central Avenue to the point or place of Beginning.

Containing a total area, after exclusion, of 2.815 acres

Legend

- CATCH BASIN
- MANHOLE
- POLE
- HYDRANT
- LIGHT POLE
- UTILITY POLE W/LIGHT
- SEWER MANHOLE
- VALVE
- FENCE LINE
- OVERHEAD WIRES
- RETAINING WALL
- ANCHOR WIRE
- ELECTRIC MANHOLE
- VALVE
- WATER VALVE
- GAS VALVE



Survey of Property

Prepared for

WB 30 Water Street LLC

Situate in the

Village of Ossining

Westchester County, New York

Scale 1" = 30'
Scale 1" = 98.43 meters

Date: July 6, 2021
Rev.: July 7, 2021

0 30 60

20190.100
Survey Topo.dwg

JEFFREY B. DeROSA, L.S.
New York State License No. 050749

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LINDA R. SHAW
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T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

July 17, 2023

VIA ELECTRONIC MAIL
Jennifer.Hathaway@dec.ny.gov

Site Control Section
Attn: Jennifer Hathaway
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, NY 12233-7020

RE: BCP Application – Second Submission
Ossining Gas Works DPW Site
Site No. C360172

Dear Jennifer:

On behalf of WB 30 Water Street, LLC, enclosed please find the revised Brownfield Cleanup Program Application for the Ossining Gas Works DPW Site located at 30 Water Street, Ossining, New York 10562 in response to your comments dated June 20, 2023.

Section I: Property Information

- The tax map provided should also clearly label the surrounding parcel SBLs.

  RESPONSE: The tax map has been updated to include surrounding parcel SBLs. Please see Exhibit B.

Section III: Land Use Factors

- No. 4 – Summary of Current Use should also include possible sources of contamination as well as dates operation ceased in vacant portions. I see the vacancy dates in the Past Uses section. A brief summary in the Current Use section will suffice.

  RESPONSE: The following more detailed explanation addressing this comment has been added into the narrative: The Site has a long history of MGP operations dating back to the mid-1800s. On-Site soil and groundwater impacts from MGP operations have been documented on the Site. From approximately the early 1970's to the present, the Site was used as a vehicle repair, storage facility and parking lot by the Ossining Department of Public Works ("ODPW"). The buildings and structures south of the Brook have been demolished and the current Village DPW operations on that side of the Brook only include equipment and mulch storage. The area north of the Brook is occupied by the Village's ODPW vehicle storage building. This building on the north side of the Site was historically used by ODPW from the 1960's to approximately the end of the 1990's for vehicle repair and a petroleum dispensing facility. The petroleum bulk storage facility on the northern portion of the Site on Lot

27 was closed in 2005. However, ODPW still occupies the northern part of the Site. The former vehicle repair and petroleum dispensing operations on the northern part of the Site may have contributed to Site contamination o that portion of the Site.

Section IV: Property's Environmental History

- No. 4 – Please revise selection to "Manufacturing".

  RESPONSE: "Manufacturing" has been selected on application form.

Section IX: Current Property Owner and Operator Information

- If the requestor is not the current owner, describe the requestor's relationship to the current owner.

  RESPONSE: The following response has been added to the narrative: The Requestor's relationship with the Village of Ossining, site owner, is that the Requestor was selected through a competitive bidding process to be the contract vendee to acquire a portion of the BCP Site, remediate the entire BCP Site, and then serve as the master developer for the affordable housing project. The Requestor and the Village have entered into a Land Disposition Agreement to effectuate these goals.

Additional Comments

In the top section of Page 1 of the revised application, please select "yes" to indicate that the submittal is a revised application and include the NYSDEC site code in the subject line of this letter.

RESPONSE: The first page of the application has been revised according to your instructions above.

Project Manager Comments Regarding Section I – Environmental Assessment and/or Section IV – Property's Environmental History:

- BCP Application, Section IV: Within the Sampling Data table, please list "MGP-related impacts" under "Other" and indicate it as affecting both soil and groundwater.

  RESPONSE: MGP-related impacts affecting both soil and groundwater has been included under the "Other" space in Section IV.4.

- BCP Application, Section IV: Please check off "Coal Gas Manufacturing" as a past land use.

  RESPONSE: "Coal Gas Manufacturing" has been checked off as past land use.

- BCP Support Document, Section IV, u: Environmental Assessment – In the soil, groundwater, and soil vapor summary tables, please revise the second column to indicate the number of detections > RRSCOs to total detections (i.e., 1,3,5-trimethylbenzene, 1/57…).

RESPONSE: We have revised the Section IV Environmental Assessment Data Summary tables to include the number of exceedance detections above the Restricted Residential, Commercial and Industrial SCOs compared to the final number of samples analyzed from the July 2021 Phase II Supplemental RI Data and updated the soil spider map.

Please let me know if you have any questions. Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

LRS/rro
Enclosure

ec: Rachel Savarie, Project Manager
Michael Murphy, Project Attorney
James Wendling, BCP Volunteer
Fuad Dahan

BROWNFIELD CLEANUP PROGRAM (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 DERSiteControl@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: Ossining Gas Works DPW 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: C360172	● **Yes** ○ **No**

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

Department of Environmental Conservation

BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME	Ossining Gas Works DPW Site
ADDRESS/LOCATION	30 Water Street
CITY/TOWN	Ossining, New York
ZIP CODE	10562
MUNICIPALITY (LIST ALL IF MORE THAN ONE)	Village/Town of Ossining, Westchester County
COUNTY	Westchester
SITE SIZE (ACRES)	2.815

LATITUDE			LONGITUDE		
°	‘	“	°	‘	“
41	09	33.8N	73	52	04.1W

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
Water Street	89.19	6	26	0.04
Portion of Central Avenue	89.19	6	p/o27;p/o29	0.70;0.35
Portion of Water Street	89.19	6	p/o 28	2.25

	Y	N
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.	○	●
2. Is the required property map included with the application? (Application will not be processed without a map)	●	○
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: 133.01 Percentage of property in En-zone (check one): 0% ○ 1-49% ○ 50-99% ○ 100% ●	●	○
4. Is the project located within a disadvantaged community? See application instructions for additional information.	●	○
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	○	●
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:	○	●

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?	○	●
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.	○	●
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	○	●
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	○	●
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: ___	○	●
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. Easement/Right-of-Way Holder Description	○	●
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): Type Issuing Agency Description	○	●
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?	●	○
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** ○
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	○	●
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?	○	●
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.		
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. **Initials of each Requestor:** _____ _____ _____ _____ _____ _____		

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? PW-b: Central Waterfront – Transient Oriented Subdistrict

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 ☑

	Y	N
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?	◉	○
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	✓	✓	✓
Chlorinated Solvents	☐	☐	✓
Other VOCs	☐	☐	☐
SVOCs	✓	✓	☐
Metals	✓	✓	☐
Pesticides	☐	☐	☐
PCBs	☐	✓	☐
PFAS	☐	✓	☐
1,4-dioxane	☐	☐	☐
Other – indicated below	✓	✓	☐

*Please describe other known contaminants and the media affected:
Former Manufactured Gas Plant related impacts affecting both soil and groundwater

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):

✓ Coal Gas Manufacturing	✓ Manufacturing	☐ Agricultural Co-Op	☐ Dry Cleaner
☐ Salvage Yard	☐ Bulk Plant	☐ Pipeline	☐ Service Station
☐ Landfill	☐ Tannery	☐ Electroplating	☐ Unknown

Other: Former Manufactured Gas Plant related impacts affecting both soil and groundwater; Lumber yard; Automotive Repair; former Village DPW operations including petroleum bulk storage tanks

SECTION V: Requestor Information		
NAME WB 30 Water Street, LLC		
ADDRESS c/o William Balter and James Wendling, 480 Bedford Road, 300 Building, First Floor, West Wing		
CITY/TOWN Chappaqua	STATE NY	ZIP CODE 10514
PHONE (914) 269-2432	EMAIL jwendling@wbpdev.com; bbalter@wbpdev.com	

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	●	○
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?	●	○
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 ○	●	○
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.**	●	○

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?	○	●
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	○	●
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.	○	●
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?	○	●
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.	○	●
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?	○	●

SECTION VI: Requestor Eligibility (CONTINUED)		
	Y	N
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?	○	●
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?	○	●
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?	○	●
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?	○	●
11. Are there any unregistered bulk storage tanks on-site which require registration?	○	●

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 ☐	VOLUNTEER ☑
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.	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 ● No ○ N/A ○

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 William Balter and James Wendling			
ADDRESS 480 Bedford Road			
CITY Chappaqua		STATE NY	ZIP CODE 10514
PHONE (914) 269-2432	EMAIL bbalter@wilderbalter.com; jwendling@wilderbalter.com		
REQUESTOR'S CONSULTANT (CONTACT NAME) Fuad Dahan, P.E.			
COMPANY SESI Consulting Engineers			
ADDRESS 959 Route 46E Floor 3			
CITY Parsippany		STATE NJ	ZIP CODE 07054
PHONE (973) 808-9050	EMAIL fd@sesi.org		
REQUESTOR'S ATTORNEY (CONTACT NAME) Linda R. Shaw, Esq.			
COMPANY Knauf Shaw LLP			
ADDRESS 2600 Innovation Square, 100 South Clinton Avenue			
CITY Rochester		STATE NY	ZIP CODE 14604
PHONE (585) 546-8430	EMAIL lshaw@nyenvlaw.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?	○	●
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? N/A ●	○	○

SECTION IX: Current Property Owner and Operator Information		
CURRENT OWNER Village of Ossining		
CONTACT NAME Karen D'Attore, Village Manager		
ADDRESS 16 Croton Avenue		
CITY Ossining	STATE NY	ZIP CODE 10562
PHONE (914) 941-3554	EMAIL kdattore@villageofossining.org	
OWNERSHIP START DATE 12/26/1957		
CURRENT OPERATOR Ossining Department of Public Works		
CONTACT NAME Paul Fraioli		
ADDRESS 101 NY-9A, #2		
CITY Ossining	STATE NY	ZIP CODE 10562
PHONE (914) 941-4660	EMAIL pfraioli@villageofossining.org	
OPERATION START DATE 1957-1971		

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.	○	●
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: _____	○	●

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: _____	○	●
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. N/A ●	○	○
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: _____	○	●
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.	○	●

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 Managing Member (title) of WB 30 Water Street, 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: 07/17/2023 Signature: _____

Print Name: William Balter

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS <u>IN NEW YORK CITY ONLY</u>
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.
BCP App Rev 15

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

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(l) 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:

(l) "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 <u>IN NEW YORK CITY ONLY</u> (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 <u>IN NEW YORK CITY ONLY</u> (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 DERSiteControl@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. <u>Location:</u> 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."} <u>Site Features:</u> 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." <u>Current Zoning and Land Use:</u> (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." <u>Past Use of the Site:</u> 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. <u>Site Geology and Hydrogeology:</u> 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)	
Environmental Assessment	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. **A typical Environmental Assessment would look like the following:** Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE). *Soil* - 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). *Groundwater* - 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. *Soil Vapor & Indoor Air* - 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.
Questions 15-17: New York City Sites	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 *Supplemental Questions for Sites Seeking Tangible Property Credits in New York City* **must** be completed.

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	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. 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.
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	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: • 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 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 all 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)

Groundwater Table:

Analytes > AWQS[e]	Detections > AWQS[f]	Max. Detection (ppb)[c]	AWQS (ppb)[g]

Soil Gas Table:

Analytes[h]	Total Detections	Max. Detection (ug/m3)[c]	Type[i]

[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.

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT
Exhibit List

Exhibit A Site Location, Street and Base Property Map
Exhibit B Survey and Tax Map
Exhibit C BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
Exhibit D Flood Map
Exhibit E Zoning Map
Exhibit F Previous Owners and Operators
Exhibit G Site Drawing Spider Maps
Exhibit H DOS Entity Information
Exhibit I Corporate Consent
Exhibit J Deeds
Exhibit K Site Access Agreement
Exhibit L Site Contact List
Exhibit M Repository Letter

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

A. Feb. 2003 The RETEC Group, Inc. ("RETEC") Historical Investigation Report
B. Aug. 2005 APECCO Tank Closure Report Letter prepared for the Village of Ossining
C. 2007 CMX and HDR Remedial Investigation ("RI") (Report not provided but summarized in other reports submitted with this application)
D. March 2008 CMX and HDR|LMR Remedial Investigation Report ("RIR") (Report not provided but summarized in other reports submitted with this application)
E. 2010 CMX Remedial Investigation Work Plan ("RIWP") (Report not provided but summarized in other reports submitted with this application)
F. March 2012 Spill No. 1114334
G. April 2013 Arcadis of New York, Inc. ("Arcadis") RIR prepared for Consolidated Edison Company of New York, Inc. ("Consolidated Edison")
H. Aug. 2018 GEI Consultants, Inc. ("GEI") Emerging Contaminants Sampling Work Plan prepared for Consolidated Edison and Orange and Rockland Utilities, Inc. ("O&R Utilities")
I. Aug. 2019 Arcadis RIR prepared for Consolidated Edison
J. July 2020 Arcadis Emerging Contaminant Summary Report prepared for Consolidated Edison and the New York State Department of Environmental Conservation ("NYSDEC")
K. Sept. 2020 Arcadis RIR prepared for Consolidated Edison
L. Dec. 2020 Arcadis OU-1 Alternatives Analysis Report ("AAR") prepared for Consolidated Edison
M. July 2021 SESI Geotechnical Summary Letter prepared for WB 30 Water Street, LLC
N. July 2021 SESI Phase II Environmental Site Assessment ("ESA") letter prepared for WB 30 Water Street, LLC
O. August 2021 SESI Phase I ESA prepared for WB 30 Water Street, LLC ("Requestor")
P. September 30, 2022 NYSDEC AAR Comment Letter to Consolidated Edison
Q. February 28, 2023 Con Edison AAR Response Letter and Revised AAR
R. March 2023 Project Foundation Plans and Cross Sections
S. April 2023 SESI Remedial Action Work Plan ("RAWP") prepared for Requestor

SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.	Acreage[1]
Water Street	89.19-6-26	0.04
Central Avenue	89.19-6-27	0.70
Water Street	89.19-6-28	2.25
Central Avenue	89.19-6-29	0.35

The Site is located in the Village of Ossining, New York 10562 ("Site" or "BCP Site"). The Site Location, Street and Base Property Map are in Exhibit A.

1. Site Boundary and Tax Parcel Information

The Site boundary does not correspond to the tax boundaries because the Sing Sing Kill Brook underwater land has been excluded from the BCP Site boundary. The Tax Boundary Map and a Survey map is provided in Exhibit B.

2. Property Map

The Site Location and Base Property Map are in Exhibit A. A Survey map is in Exhibit B.

3-5. BOA, Disadvantage Communities, EJ and En-Zone Designations

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is located in an En-Zone. The Site is located in an En-Zone Type B, Census Tract 133.01. The Site is not located in a BOA. The Site is located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 85.22% of the population surrounding this Site is a minority population. Approximately 16% of the population in the surrounding area of the Site has limited English speaking ability, so the BCP documents will not need to be translated. The Site is also located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36119013301, which has an environmental burden higher than 96 % of Census Tracts statewide and a population vulnerability higher than 79% percent of Census Tracts statewide.

6-11. Please refer to BCP Application Form.

12. Easements and Existing Rights of Way

There is no current easement or right-of-way located on the Site. However, after the remediation is complete, there will be a public access easement through the southern portion of the Site along the creek as part of the Greenway trail. The presence of this future easement will not impact

[1] Acreages were determined using survey map in Exhibit B.

remediation efforts at the Site because it will be placed on the Site post remediation.

13. Please refer to BCP Application Form.

14. Property Description Narrative

A. Site Location

The Site is located at the follow addresses:

Parcel Address	Tax Parcel Identification No.
Water Street	89.19-6-26
Central Avenue	89.19-6-27
Water Street	89.19-6-28
Central Avenue	89.19-6-29

The Site is located in the Village of Ossining, New York 10562. The Site is in a mixed-use commercial, residential, and industrial neighborhood. Central Avenue and a Consolidated Edison Company of New York, Inc. ("Consolidated Edison") substation are located north of the Site. Water Street, a residential structure and commercial structures are located west of the Site. Main Street and residential dwellings are located south of the Site. Residential properties are located east of the Site.

B. Site Features

The Site consists of four lots in the Village of Ossining excluding the Sing Sing Kill Brook, which run through the center of the Site, and has been excluded from the Site since it is underwater land. The buildings and structures south of the Brook have been demolished and the current Village DPW operations on that side of the Brook only include equipment and mulch storage. This portion of the Site is mostly covered with asphalt and concrete pads. The area north of the Brook is occupied by the Village's ODPW vehicle storage building. This building on the north side of the Site was historically used by ODPW from the 1960's to approximately the end of the 1990's for vehicle repair and a petroleum dispensing facility. However, as a result of interviews with current ODPW employees who have worked there for as long as 20 years, the petroleum bulk storage facility was closed in 2005 and they had no recollection of truck repair activities on the northern portion of the Site for many years. Historically, the ODPW vehicles were fueled on Lot 27 until 2005, after which time the trucks have been fueled off-Site. The Site is located within a fenced area. The Sing Sing Kill Brook connects to the Hudson River approximately 0.189 miles west of the Site. A retaining wall is present along portion of the side walls of the Brook. Steep-nearly vertical bedrock walls also effectively serve as a bulkhead on certain sides of the Brook. The Site is in a flood zone. *See* Exhibit D, Flood Map. The eastern portion of the Site is known as a riparian fringe forest, which consists of grasses, herbaceous species, shrubs, and trees.

C. Current Zoning and Land Use

The Site is currently located in the PW-b: Central Waterfront – Transient Oriented Subdistrict. *See*

Exhibit E, Zoning Map. This zoning district permits recreational, open space, commercial, business, and residential uses. The Site is currently used for storage of equipment and vehicles, recycled materials, yard waste, salt, and sand. The area south of Kill Brook is mostly covered with asphalt and concrete pads.

D. Past Use of the Site

Lot 26

Sanborn maps between January 1881 and August 1924 reveal multiple buildings were present on this small lot. Historical documents are unclear about the use of these buildings, but these buildings were likely ancillary buildings for the MGP operations since Consolidated Edison's predecessors Northern Westchester Lighting Company and then Westchester Lighting Gas Manufacturing Co. appear to have commenced ownership of this lot in 1860. *See* Exhibit J Deed. Successor Consolidated Edison sold this lot and the remaining lots that make up the Site to the Village of Ossining in late 1957. *See* Exhibit J Deed. The lot appears to be vacant until 1971, when a portion of a building is present on the lot. The remaining portion of the building was present on Lot 27. Historic documents suggest the building appears to have been used originally for truck repair by ODPW as of 1971 and for truck storage as well as general equipment storage later.

Lot 27

In 1868, Issac Terwillinger Sash and Blind Shop occupied the lot. Historical documentation is unclear as to the exact nature of this business, but later occupants suggest that the business may have been associated with the lumber yard that was present on the lot from approximately July 1886 until August 1924[2]. The name of the company also suggests that it was a lumber-based operation to make windows and doors. Based on the deed in Exhibit J, it appears that the sale from Anna Terwillinger to Northern Westchester Lighting Company occurred in Fall of 1923.

Between 1930 and 1942, based on Sanborn maps, multiple buildings, gas holders, and oil tanks were present on the lot. Some of the buildings were used for storage related to the production of manufactured gas. In 1949, no buildings were present. By 1954, all above ground portions of all gas holders and tanks were removed from this lot. New buildings were present on the lot in 1960. In 1971, a portion of a building was present on the lot. The other portion of the building was present on lot 26. As of 1971, the lot appears to be operated by the ODPW for truck repair, storage, and general storage. In May 2002, the lot contained two adjacent truck repair/storage buildings and associated paved areas. Road salt was stored on the lot during winter months. Historically, there was a petroleum bulk storage (PBS) facility used by ODPW to fuel vehicles that was present on this lot based on interviews with ODPW staff who recalled the location of the fueling facility. The PBS facility was closed in 2005 according to closure documentation from Westchester County.

Lot 28

Lot 28 was historically occupied by Ossining Heat, Light and Power Company by Sing Sing Gas Manufacturing Company dating back as far back as of 1901 and then later by Northern Westchester Lighting Company and Westchester Lighting Gas Manufacturing Co. (predecessors of

[2] Later occupants included the following: Terwillinger Co., Terwillinger & Allison Sash Doors Co., L. Terwillinger Sash Doors Co., L. Terwillinger Sash Doors Co., Terwillinger Sash Doors Co., and Terwilling's Son Sash and Door Business. *See* Exhibit E, Previous Owners and Operators List.

Consolidated Edison of New York, Inc. and hereinafter "Consolidated Edison"), which conducted Manufactured Gas Plant (MGP) operations from approximately the mid-1800's until 1929. During that period, the MGP experienced changes in the type and size of production. Maps from January 1881 until November 1897 show that the operation initially consisted of a single gas holder as well as a coal gas production building. Over time, additional gas holders and buildings were added to this Lot. On-site buildings contained retorts, purification facilities, boilers, gas meters, generator houses, and storage tanks. Other buildings were used as tenement buildings, carpenter shop, dwelling, storage, and other miscellaneous uses associated with the MGP. In 1901, the MGP began producing carbureted water/lowe in conjunction with coal gas production. In 1904, the operations transitioned into carbureted gas production exclusively. In 1926, the MGP was placed on standby. Between 1926 and 1942, some of the on-Site buildings were removed. In 1943, the MGP retired from service. Other portions of the MGP were removed after this time. In 1959, the buildings remaining on the lot were switched to natural gas. Maps from 1971 depict multiple small buildings on this lot but then later all buildings were demolished, and this lot was mostly paved. The lot is currently operated by the ODPW for equipment storage and the remainder of the lot is used to store mulch and sand.

Lot 29

Between January 1881 and August 1924, multiple buildings were present on this lot. The deed in Exhibit J suggests that Northern Westchester Lighting Company acquired lot 29 in early 1922. Historical documents are unclear about the use of these buildings. The known occupants during that period (Terwilliger & Allison Gasn. Doors) suggest that the buildings were associated with the lumber yard operations present on Lot 27. The lot is depicted as vacant between 1924 and 1949. The lot was later used by the ODPW for storage.

NYSDEC Consent Order

In August 2002, Consolidated Edison entered into a multi-site Voluntary Cleanup Agreement ("Con Edison VCA"), Index No. D2-0003-02-08 to remediate a number of its predecessors' former MGP sites. The former Ossining Gas Works Site Operable Units ("OU") 1-3 was identified in the Con Edison VCA as DEC Site No. # V00568. In 2018, as was done statewide for all VCAs, the Con Edison VCA was terminated. The Con Edison VCA was replaced by a multi-site Consent Order (Consent Order No. 0-20180516-519), with the former Ossining Gas Works Site identified as Site No. 360172 in the Order. Pursuant to terms in the Order, as amended in 2021, Consolidated Edison is permitted to request that the DEC terminate the Order with respect to the portion of OU-1 that constitutes the BCP Site as shown in the Survey in Exhibit B in order to allow the remediation of this portion of OU-1 to proceed through the BCP, which will facilitate a remedy in conjunction with the Requestor's proposed development plan. See separate correspondence from Consolidated Edison included with the cover letter to this application. The remaining portions of the former Ossining Gas Works Site No. 360172, including the portion of OU-1 that is not part of the BCP Site and is still owned by Consolidated Edison, and OU-2 all remain subject to the Consent Order, with OU-3 previously redeveloped under the BCP.

E. Site Geology and Hydrogeology

Surface elevations at the Site range from approximately 15 feet above mean sea level ("amsl") along North Water Street to 50 feet amsl along Main Street. The Site geology consists of five general layers: (1) fill, (2) glacial deposits (3) sand and gravel, (4) silt and clay/peat, and (5) bedrock.

The fill layer ranges in thickness from 2 to 18 ft and consists of variable anthropogenic material, native soils, and remnants of several structures from the Site's history. In most cases, the fill was placed over the former MGP tank bottoms and coal tar contamination. The fill was described as fine to coarse sand with varying amounts of unsorted angular gravel and lesser amounts of silt, concrete, brick, wood, slag, coal, metal and/or glass.

Glacial deposits were found beneath fill in some parts of the Site. The layer is composed of discontinuous silt clay lenses, sands, and gravels, with occasional boulders, and it ranges in thickness from 8 to 28 ft. The shallow glacial deposits have been characterized as dark gray green and bluish-black, mid-level deposits as generally dark-green and bluish-clay, and deposits as bluish-black, brownish-yellow, yellow-red, green-gray sands and gravel.

The sand and gravel on the Site contain a loose dark gray unsorted gravel with lesser amounts of silt, cobbles, and mica. This layer is not found in the easternmost portion of OU-1. In some areas of the Site, this layer is hard to distinguish from the weathered bedrock present on the Site due to the high content of mica in the sand and the schist gravel.

The silt and clay/peat are encountered in thin streams beneath the Site at the same depths as the sand and gravel layer. It is composed of soft gray silt and clay with trace to little amounts of fine sand and organics. Where found, peat is found interbedded with silt and clay and sometimes with fine sand.

Bedrock, classified as metamorphic schist, is present at variable depths ranging from 15 to greater than 40 ft-bgs. Portions of bedrock are exposed at several locations on the Site.

Groundwater was encountered at the Site between 5 and 8 ft-bgs. Groundwater is expected to flow west/southwest towards the Hudson River. The surface waters in the vicinity of the Site are the Hudson River and Kill Brook. The Brook flows though the Site at a surface elevation about 5 feet lower than the surrounding area but has been excluded from the Site footprint as underwater land and because investigations have not revealed the need to remediate in the Brook sediments. The majority of on-Site drainage currently flows to the Brook. Kill Brook is classified as Class G fresh surface water per 6 NYCRR 876.4. The stream bottom consists of large rocks, cobble, and gravel with coarse sands and gravel. Upstream portions of the stream banks are natural and consist of large rocks and gravel. A portion of the bank near the Hudson River is enclosed by concrete stream walls. The walls transition into natural terrain stream banks as the Brook moves closer inland.

15-17. Regarding Questions 15-17 on the BCP Application:

These questions do not pertain to this Site since this Site is not located in New York City.

SECTION II – PROJECT DESCRIPTION

1-3. Please refer to BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site entails the construction of an aboveground parking structure with no subsurface parking on the portion of the Site north of the Sing Kill Brook, which runs through the middle of the Site but is not part of the BCP Site, and a multi-story mixed-use slab on grade building with no basement on the south side of the Sing Kill Brook. Parking and retail facilities will be located on the ground and cellar levels of the multi-story building. The approximately 113,447 square-feet (sq-ft) affordable housing building will be utilized for 100% affordable residential units.

Schedule – Commencement through COC

For the purposes of this application, the July 2021 Phase II investigation will be treated as a supplemental Remedial Investigation ("RI") and an April 2023 Remedial Action Work Plan ("RAWP") has been submitted with this application. A Brownfield Cleanup Agreement is expected to be entered into by fall 2023. Nevertheless, an additional investigation is being performed while the BCP eligibility process is occurring in the form of a Preliminary Design Investigation ("PDI"), which is expected to be implemented in August 2023. The PDI results, which should be available by the time the BCA is received will inform the preparation of a "Remedial Design Work Plan" is expected to be prepared by the end of 2023. The remediation will commence in mid to late 2024 and a Certificate of Completion is expected to be issued by the end of 2025.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is within the PW-b: Central Waterfront – Transient Oriented Subdistrict District. *See* Exhibit E, Zoning Map.

2. Allowed Uses

The PW-b zoning district allows for recreational, open space, commercial, business, and residential uses. The volunteer has entered into a Land Use Dispositional Agreement with the Village of Ossining and has received all required land use approvals for the project to proceed. The closing with the affordable housing agencies is expected by mid-2024.

3-4. Current Use

This Site is currently used for storage of ODPW vehicles, equipment, recycled materials, yard waste/mulch, salt, and sand. ODPW has occupied all lots of the Site since 1971 and continues to utilize the lots at present. The area south of Kill Brook is mostly covered with asphalt and concrete pads. The Site has a long history of MGP operations dating back to the mid-1800s. On-Site soil and groundwater impacts from MGP operations have been documented on the Site. From approximately the early 1970's to the present, the Site was used as a vehicle repair, storage facility and parking lot by the Ossining Department of Public Works ("ODPW"). The buildings and structures south of the Brook have been demolished and the current Village DPW operations on that side of the Brook only include equipment and mulch storage. The area north of the Brook is occupied by the Village's ODPW vehicle storage building. This building on the north side of the Site was historically used by ODPW from the 1960's to approximately the end of the 1990's for vehicle repair and a petroleum dispensing facility. The petroleum bulk storage facility on the northern portion of the Site on Lot 27 was closed in 2005. However, ODPW still occupies the northern part of the Site. The former vehicle repair and petroleum dispensing operations on the northern part of the Site may have contributed to Site contamination on that portion of the Site.

5. Intended Use Post Remediation

Post remediation use of the Site will be as an aboveground parking structure and a multi-story mixed-use building. *See* Section II, Project Description for a more detailed description.

6. Post Remediation Use

Post remediation use of the Site will be as an aboveground parking structure and a multi-story mixed-use building. *See* Section II, Project Description for a more detailed description.

7. Renewable Energy Facility

The proposed post-remediation use is not a renewable energy facility.

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

Yes, current, historical and/or recent development patterns support the proposed use. More affordable housing is needed in this area of Westchester County.

9. Is the proposed use consistent with applicable zoning laws/maps?

Yes, the project is consistent with the applicable zoning laws and map. All project approvals have been secured.

10. Consistent with the Master Plan?

Yes, the project is consistent with objectives of the Village of Ossining Comprehensive and Local Waterfront Revitalization Plans, which intend to design a mixed-use transit-oriented development

plan to protect and promote the environment and public health, safety and general welfare of the community and new affordable residential housing opportunities close to the Metro North train station. The plans seek to achieve this by permitting recreational, open space, commercial, business, and residential uses that will benefit and enhance the aesthetic, recreational, and environmental qualities of the waterfront area near the train stations.

SECTION IV – PROPERTY'S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is the list of environmental reports for the Site separately attached:

a. Feb. 2003 The RETEC Group, Inc. ("RETEC") Historical Investigation Report
b. Aug. 2005 APECCO Tank Closure Report Letter prepared for the Village of Ossining
c. 2007 CMX and HDR Remedial Investigation ("RI") (Report not provided but summarized in other reports submitted with this application)
d. March 2008 CMX and HDR|LMR Remedial Investigation Report ("RIR") (Report not provided but summarized in other reports submitted with this application)
e. 2010 CMX Remedial Investigation Work Plan ("RIWP") (Report not provided but summarized in other reports submitted with this application)
f. March 2012 Spill No. 1114334
g. April 2013 Arcadis of New York, Inc. ("Arcadis") RIR prepared for Consolidated Edison Company of New York, Inc. ("Consolidated Edison")
h. Aug. 2018 GEI Consultants, Inc. ("GEI") Emerging Contaminants Sampling Work Plan prepared for Consolidated Edison and Orange and Rockland Utilities, Inc. ("O&R Utilities")
i. Aug. 2019 Arcadis RIR prepared for Consolidated Edison
j. July 2020 Arcadis Emerging Contaminant Summary Report prepared for Consolidated Edison and the New York State Department of Environmental Conservation ("NYSDEC")
k. Sept. 2020 Arcadis RIR prepared for Consolidated Edison
l. Dec. 2020 Arcadis OU-1 Alternatives Analysis Report ("AAR") prepared for Consolidated Edison
m. July 2021 SESI Geotechnical Summary Letter prepared for WB 30 Water Street, LLC
n. July 2021 SESI Phase II Environmental Site Assessment ("ESA") letter prepared for WB 30 Water Street, LLC
o. August 2021 SESI Phase I ESA prepared for WB 30 Water Street, LLC
p. September 30, 2022 NYSDEC AAR Comment Letter to Consolidated Edison
q. February 28, 2023 Con Edison AAR Response Letter and Revised AAR
r. March 2023 Project Foundation Plans and Cross Sections
s. January 2023 SESI Remedial Action Work Plan ("RAWP") prepared for the WB 30 Water Street, LLC

t. Sampling Data

See Exhibit G Spider Maps which include sampling data summaries, and Section IV.3 below.

u. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are VOCs, SVOCs and metals in soil, and VOCs, SVOCs, metals, PCBs, and PFAS in groundwater, and VOCs in soil vapor. *See* Exhibit G Site Drawing Spider Maps.

Soil:
Over fifty-seven (57) soil samples were collected from various locations between 2.5 and 34.6 ft-bgs on the Site during multiple Site investigations. Sampling results revealed that the contaminants of concern are VOCs, SVOCs, and metals in soil and groundwater. Soil analytical results were compared to the NYSDEC Restricted Residential Use Soil Cleanup Objectives ("RRSCOs"). Soil vapor results included some chlorinated VOCs on both the northern and southern portions of the Site.

In early investigations, evidence of visible NAPL (i.e., NAPL in quantities greater than sheens) has been generally observed in the south-central portion of OU-1 within the sand and gravel unit at depths varying from 1.6 feet below grade to 26.8 feet below grade. NAPL was observed in the saturated zone in most locations, but some samples were observed in the unsaturated zone. In 2007, a soil sample (SB-19) exhibiting NAPL impacts was collected and submitted for forensic fingerprinting analysis to evaluate hydrocarbon sources. The forensic fingerprint analysis indicated carbureted water gas as a potential hydrocarbon source.

The summary charts below only include a summary of the July 2021 SESI Phase II Environmental Site Assessment ("ESA") prepared for WB 30 Water Street, LLC, which included sampling in twelve borings from which 22 samples were collected for data analysis at different depth intervals. The plan was to collect 24 samples but due to the presence of grossly contaminated soil in the planned shallower intervals in SB-8 (3.5-4 ft bgs) and the presence of NAPL in SB-14 (9-11 ft bgs), two samples were not taken out of the planned 24 samples listed in Table 2.1 in the July 2021 Phase II report. The Phase II data is summarized below:

Soil:

Analyte > RRSCOs	Detections > RRSCOs/Total Samples*	Maximum Detection (mg/kg)	RRSCO/CSCO/ISCO (mg/kg)	Depth (ft-bgs)
VOCs				
1,3,5-trimethylbenzene	1/22	61	52/190/380	12-14
1,2,4-trimethylbenzene	122	190	52/190/380	12-14
Benzene	2/22	190	4.8/44/89	12-14
Ethylbenzene	1/22	260	41/390/780	12-14
Naphthalene	4/22	6500	100/500/1000	12-14
Toluene	1/22	450	100/500/1000	12-14
Xylene	1/22	570	100/500/1000	12-14
Toluene	1/22	450	100/500/1000	12-14

SVOCs				
Acenaphthylene	1/22	300	100/500/1000	12-14
Acenaphthene	1/22	140	100/500/1000	24-26
Anthracene	1/22	130	100/500/1000	
Benzo(a)anthracene	12/22	65	1/5.6/11	12-14
Benzo(a)pyrene	12/22	51	1/1/1.1	2-4
Benzo(b)fluoranthene	14/22	60	1/5.6/11	2-4
Benzo(k)fluoranthene	6/22	16	3.9/56/110	2-4
Chrysene	10/22	57	3.9/56/110	12-14
Dibenzo(a,h)anthracene	12/22	7	0.33/0.56/1.1	2-4
Fluoranthene	1/22	110	100/500/1000	12-14
Fluorene	1/22	160	100/500/1000	12-14
Indeno(1,2,3-cd) pyrene	14/22	36	0.5/5.6/11	2-4
Phenanthrene	3/22	450	100/500/1000	12-14
Pyrene	1/22	160	100/500/1000	
Metals				
Mercury	2/22	2.3	0.81/2.8/5.7	5-7
Arsenic	2/22	31.5	16/16/16	5-7

Groundwater:
Analytical results for groundwater were compared to the Class GA groundwater quality standards/guidance values presented in the NYSDEC's Division of Water, Technical and Operation Guidance Series 1.1.1: Ambient Water Quality Standards and Groundwater Effluent Limitations ("AWQS").

Earlier investigations identified the contaminants of concern as SVOCs and metals in groundwater. Individual BTEX and PAH compounds were detected in groundwater samples at concentrations that exceeded the NYSDEC AWQS. Iron, manganese, and sodium were also detected in groundwater samples. The presence of metals was attributed to naturally occurring background conditions at the Site. Later investigations identified the contaminants of concern as VOCs, SVOCs, metals, PCBs, and PFAS in groundwater.

Analytes > AWQS	Detections > AWQS/Total Detections of Analyte	Maximum Detection (µg/L)	AWQS (µg/L)
PCBs			
Arcolor 1016	1/4	0.128	0.09
VOCs			
Benzene	2/4	7	1
Ethylbenzene	2/4	100	5
Isopropyl benzene	2/4	7.3	5
p/m xylene	1/4	32	5
o-xylene	1/4	23	5

1,2,4-trimethyl benzene	1/4	36	5
1,3,5-trimethylbenzene	1/4	9.9	5
SVOCs			
Acenaphthene	2/4	140	20
Benzo(a)anthracene	3/4	22	0.002
Benzo(a)pyrene	3/4	16	0
Benzo(b)fluoranthene	3/4	11	0.002
Benzo(k)fluoranthene	3/4	4.7	0.002
Chrysene	3/4	18	0.002
Fluorene	1/4	66	50
Indeno(1,2,3-cd) pyrene	3/4	7.2	0.002
Naphthalene	1/4	1200	10
Phenanthrene	1/4	150	50
Phenol	1/4	4.6	1
Pyrene	1/4	68	50
Metals			
Cyanide	1/4	435	200
Iron	3/4	23800	300
Lead	2/4	81.58	25
Magnesium	1/4	105000	35000
Manganese	2/4	1390	300
Sodium	4/4	487000	20000
PFOA/PFOS			
PFOS	1/4	83.9 ng/L	10 ng/L
PFOA	3/4	104 ng/L	10 ng/L

Soil Vapor:
The contaminants of concern in soil vapor that exceed the NYSDOH screening matrices are the following VOCs:

Analyte	Total Detections	Maximum Detection ($\mu g/m^3$)	Type
Cis-1,2-dichloroethene	1/5	99.5	Soil Vapor
Tetrachloroethene	2/5	116	Soil Vapor
Trichloroethene	1/5	12.7	Soil Vapor
Vinyl Chloride	1/5	246	Soil Vapor

However, there are also a number of other VOCs that were detected in soil vapor but for which there are no state screening level standards.

v. Past Land Use

1. Past Use of the Site

See Section I.14.D for full description of past land uses. Earliest uses on several lots included a

lumber yard and possible window and door manufacturing business. From approximately the early 1970's to the present, the Site was used as a vehicle repair, storage facility and parking lot by the Ossining Department of Public Works ("ODPW"). ODPW also had a petroleum bulk storage facility on the northern portion of the Site on Lot 27, which was closed in 2005. Prior to that use, the Site had a long history of use as a manufactured gas plant ("MGP") dating back to the turn of the late 19th to early 20th century. The MGP plant was mostly located on the southern portion of the BCP Site, but certain MGP uses were also located on the northern portion of the Site. The 2003 RETEC report summarizes the history of both the former MGP and ODPW uses on the Site. The historical owners and uses associated with the Site are described in the Exhibit F Previous Owners and Operators List.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application.

In February 2003, RETEC prepared a Historical Investigation Report for the Site and OUs associated with the Former Ossining Works MGP Site (Site #V00568). *See* Section IV.10.D.1 for full description of past uses. A 2003 EDR report identified the Site as a former manufactured coal gas plant. The Site was also listed as the location of an active petroleum bulk storage ("PBS") facility, storing gasoline, diesel fuel, and fuel oil with one AST and several underground storage tanks ("USTs"). Based on interviews with existing ODPW staff, and closure documentation from Westchester County, this facility was located on Lot 27 and was closed in 2005. The ODPW facility was also listed as a Resource Conservation and Recovery Act Large Quantity Generator, but no violations were noted.

In August 2005, APECCO prepared a Tank Closure Letter Report for the Village of Ossining. APECCO was contracted to perform the removal, cleaning, disposal, documentation, and sampling of one (1) 3,000-gallon gasoline UST, one (1) 550-gallon diesel UST and one (1) 550-gallon #2 fuel oil AST. All liquids were removed from all three tanks via a vacuum truck and disposed of. Once removed, the cleaned tanks were inspected for rust, pitting and holes. To complete tank cleaning activities of one 550-gallon drum of tank bottom sludge was generated and disposed of. The cleaned USTs were transported and disposed of off-Site. To complete backfill activities, all remaining soil was used in conjunction with backfill supplied by the ODPW. Soils from the UST excavations were screened for Volatile Organic Compounds ("VOCs"). No indication of a release or contamination was present in either the gasoline or diesel UST excavation. No VOC was detected above laboratory detection limits in composite soil samples. Three Semi-volatile Organic Compounds ("SVOCs") (benzo(b)fluoranthene, benzo(k)fluoranthene, and chrysene) were detected in soil samples above the NYSDEC TAGM Guidance values. Due to the relative insolubility in water, no environmental impacts at the Site were anticipated. APECCO recommended no further action be required associated with the UST removal work.

In 2007, CMX and HDR conducted a Remedial Investigation (RI) at the Site and the associated operable units to assess the nature and extent of Site-related environmental impacts. A summary of the results was presented in the 2008 CMX and HDR|LMR Remedial Investigation Report (RIR). Soil and groundwater investigation activities were conducted between May and October 2007. Soil borings on the Site were extended to bedrock or refusal. Visual characterization and photoionization detector (PID) screening of the recovered soil samples indicated that hydrocarbon and/or MGP-impacted soils were present. Evidence of free product was encountered in soil borings

located in the south-central portion of OU-1. Sampling results identified the contaminants of concern as VOCs, SVOCs, and metals in soil and groundwater. Soil exceedances were attributed to MGP-related historical uses and the presence of historic fill material. Soil exceedances were detected as deep as 36 feet below grade surface ("ft-bgs"). Metal exceedances in groundwater were attributed to naturally occurring background conditions.

In 2010, CMX and HDR prepared a RIWP for the Site. In accordance with the RIWP, Arcadis performed a sediment investigation of Kill Brook in March 2012 to characterize the stream bottom and adjacent area. Sediment samples were collected throughout OU-1 for analysis. Trace amounts of anthropogenic materials, including bricks and glass, were detected in samples collected. Sediment samples were compared to benthic aquatic life acute human health bioaccumulation screening levels presented in the NYSDEC Technical Guidance for Screening Contaminated sediments (1999) for freshwater waterways. Polyaromatic hydrocarbons ("PAHs") were detected above the aquatic life screening levels for human health bioaccumulation in OU-1. Arcadis concluded that the Site is not a significant source of MGP-related impacts to sediment such that any remediation in the Brook is required.

In March 2012, Spill No. 1114334 was reported to the NYSDEC. The "Ossining MGP" Spill occurred at Water Street and Central Avenue. An unknown amount of petroleum was spilled. The spill reportedly involved an oil sheen observed during investigation of the MGP Site. The spill was closed on March 26, 2012.

In April 2013, Arcadis prepared a RIR for Consolidated Edison. The RIR summarized RI field activities performed and results obtained in 2012 to address specific data gaps identified by the 2007 CMX RI activities and to complete the characterization of the MGP-related impacts associated with OU-1 and OU-2. Field activities were conducted in Spring 2012. Field activities included implementation of test pitting activities to determine the horizontal extent of subsurface former MGP waste and subsurface soil conditions, implementation of soil and groundwater investigation activities, implementation of sediment sampling along portions of Kill Brook within OU-1, completion of a Fish and Wildlife Impact Analysis ("FWIA"), and completion of a bank inspection and visual reconnaissance.

Arcadis excavated four test pits near the former OU-1 gas purifiers to confirm the location of former MGP structures, characterize the nature of materials contained within and near the structures, and document subsurface conditions. MGP-residual and non-aqueous phase liquid ("NAPL") impacted materials encountered during this investigation were excavated and transferred into waste containers for off-site disposal. Test-pits were backfilled upon the completion of excavation. Imported stone aggregate was used as backfill when needed.

During the Site investigation, MGP-related visual impacts were also observed during monitoring efforts. Arcadis noted odors, visual staining, sheens, and NAPL at the Site. Soil and groundwater samples were collected during the investigation. Results indicated that the contaminants of concern at the Site included benzene, toluene, ethylbenzene, and xylene ("BTEX compounds"), PAHs, and metals in soil, and BTEX compounds and PAHs in groundwater. NAPL was also encountered on the Site south of the Kill Brook. Arcadis recommended further characterization of DNAPL at the Site. The RIR concluded that Consolidated Edison intended to prepare an Alternative Analysis Report for the Site.

Arcadis also completed a FWIA, which concluded the Brook provides marginal habitat for aquatic life at the Site, including amphibians, reptiles, and some fish. Arcadis concluded that sediment from Kill Brook and the undeveloped eastern portion of the Site could be a complete exposure pathway for contaminants because the Kill Brook is considered to provide moderate value to wildlife. Arcadis concluded that the primary constituents of potential environmental concern ("COPECs") included VOCSs and SVOCs (primarily PAHs). However, exposure to receptors on the Site was not expected to be significant given the lack of habitat on the Site. Exposure was also expected to be limited because many exceedances were detected in deep subsurface soils that are unavailable to ecological receptors.

On June 17, 2019, Arcadis collected groundwater samples for analysis of PFAS and 1,4 dioxane from monitoring well MW-06 located in the northern portion of the BCP Site near the location of a former oil AST and the former pump house, as part of a larger emerging contaminant sampling event conducted for the entire former Ossining Works site in accordance with the NYSDEC-approved work plan. The estimated total PFAS concentration detected in MW-06 was 85.5 nanograms per liter (ng/L). 1,4 dioxane and PFOS were not detected and PFOA was detected at a concentration of 23 ng/L in groundwater from this well. A July 2020 letter-report submitted to the NYSDEC for this sampling event in July 2019, concluded that the detected PFAS concentrations did not appear to be associated with the former Ossining Works site. One of the reasons for this conclusion was that MGP operations at the Site ceased in 1930, prior to the invention, manufacturing, and use of PFAS compounds. Higher PFAS concentrations were also detected hydraulically downgradient of OU-1. The letter noted that Kill Brook flows through the Site to the Hudson River. Shallow groundwater elevation contours indicate that groundwater along the Brook is influenced by surface water recharge. Since MW-06 is near the Brook, Consolidated Edison and Arcadis concluded the Brook may be carrying PFAS compounds onto the Site from upgradient sources east of the Site.

In August 2019, Arcadis prepared a RIR for Consolidated Edison. The RIR presented a comprehensive summary of field activities and results generated for all RI activities implemented by Consolidated Edison at OU-1 and other OUs associated with the Former Ossining Gas Works MGP Site. These reports are summarized above. The overall objective of the RI was to assess the nature and extent of the MGP-related environmental impacts at the Site. Arcadis identified potential MGP-related constituents including BTEX, PAHs, and cyanide, in sampling results. Arcadis concluded that evidence of product was encountered in soil borings in the southern portion of the Site. Evidence of visible NAPL was generally observed in the sand and gravel layer at depths varying from 1.6 feet below grade to 26.8 feet below grade. The soil sampling results indicated that, generally, samples containing elevated levels of BTEX are co-located with elevated PAHs concentrations. BTEX and PAHs were also detected in groundwater on the Site. Sediment investigation activities were performed to evaluate the physical setting and the physical and chemical sediment characteristics of Kill Brook. Arcadis also concluded that the data collected during the investigation supported the conclusion that the Site is not a significant source of MGP-related impacts to sediment in the Kill Brook.

Arcadis concluded that information from previous investigations provided a sufficient basis for the evaluation of potential remedial alternatives for OU-1. It determined that future activities would include implementation of soil vapor investigation activities to evaluate the potential migration of MGP and non-MGP related constituents in soil vapor.

In September 2020, Arcadis supplemented its RIR to include soil vapor intrusion evaluation (SVIE) activities conducted at an off-site property located at 27A Main Street, which is not part of the BCP Site.

In December 2020, Arcadis prepared a Remedial Alternatives Analysis Report ("AAR") for Consolidated Edison. The report addressed the portion of OU-1 subject to this BCP Site application, but no remedial activities were proposed to address the portion of OU-1 not subject to this application. The following four alternatives were evaluated for the BCP Site: (1) No Action; (2) Targeted Soil Removal and NAPL Recovery, (3) Targeted Soil Removal, Target In-situ Solidification ("ISS") Treatment of Visually Impacted Material, and NAPL Recovery; and (4) Soil Removal to Unrestricted Use SCOs. Arcadis recommended Alternative 3 as the preferred alternative for the Site because of its success at other MGP sites. The primary components of this AAR alternative included the following: (1) targeted soil removal for the top five feet, (2) targeted ISS treatment of visually impacted material, and (3) long term NAPL Recovery and groundwater monitoring. The selected remedy also included the installation of groundwater monitoring wells and the establishment of institutional controls at the Site, including a Site Management Plan (SMP).

In July 2021, SESI prepared a Geotechnical Summary Letter. Based on the proposed basement floor elevation in the southern building, SESI anticipated that the basement would be below the groundwater table. Construction will require support of excavation sidewalls, a dewatering system to lower the groundwater table and the excavation and stockpiling of the excavated materials from the Site. A temporary or permanent dewatering system would require treatment prior to discharge. SESI recommended that the southern building be supported by a mat foundation following an In-Situ Stabilization/Soil Mixing program and selective use of additional ground improvement measures. Based on the subsurface conditions and the absence of a below grade level, SESI concluded that the northern structure may be constructed using conventional spread foundations and floor slab supported on soils following ground improvement measures.

After a conference call with the NYSDEC staff working on this Site in May 2021, the Volunteer team obtained sampling recommendations requested by NYSDEC to fill final data gaps for purposes of submitting a BCP Site application by the Volunteer Requestor interested in redeveloping the Site. In July 2021, SESI prepared a Phase II ESA for the Requestor, which summarized the supplemental sampling performed. The Phase II ESA is being treated as a supplemental RI for the purposes of this BCP Site application in order to fill in data gaps needed for a BCP RIR. Prior to the investigation, SESI retained Enviroprobe Services Inc. to locate underground utilities and to conduct a geophysical survey using ground penetrating radar ("GPR") and electromagnetic (EM) detection. No anomalies consistent with USTs were identified.

SESI's investigation consisted of the completion of twelve (12) soil borings, two (2) temporary monitoring wells, and five (5) soil vapor points. Field evidence of petroleum hydrocarbon and dense non-aqueous phase liquid or "NAPL" contamination was observed in areas of the Site where it had not been previously identified and/or elevated PID readings were recorded in some borings as shown on the soil spider map in Exhibit G depicting the locations where product was observed. Evidence of petroleum or NAPL was observed at depths up to 26 ft-bgs in the southern portion of the Site in each corner of that portion of the Site as depicted on the soil spider map. SESI

determined that the contaminants of concern were VOCs, SVOCs, and metals in soil, VOCS, SVOCs, metals, and PFAS in groundwater, and VOCs in soil vapor. *See* Section IV.10.F for full environmental assessment.

In August 2021, SESI drafted a Phase I ESA for Requestor. The objective of the Phase I was to identify the presence or likely presence, use or release on the Site of hazardous substances or petroleum products. The assessment consisted of a records review, a Site visit, and interviews with present and past owners, operators, and occupants of the Site. The former MGP and Ossining ODPW facility operations were identified on several environmental databases and therefore both of these historic operations were listed as a recognized environmental concern or "REC". This included a RCRA Large Quantity Generator listing for the ODPW facility, and other listing related to the former MGP operations.

At the time of this Phase I investigation, the Site was improved with a one-story building on the northern portion of the Site. Surface cover consisted of concrete building slabs, asphalt, overgrown plants, and/or bare soil. SESI observed one (1) hydraulic lift and one (1) storage vessel suspected to formerly contain hydraulic fluid in the eastern portion of the Site structure still present on the northern portion of the Site. Asbestos containing material (ACM) survey and a lead-based paint survey (LBP) were not included in the scope of SESI's work. However, SESI considered these to be business environmental risks ("BERs").

SESI noted that additional environmental investigation of the Site was warranted where NAPL was found and to better design the planned In Situ Soil Stabilization (ISS) component of the remedy in relation to the foundation so that both can be constructed simultaneously, and the foundation can serve as part of the planned Track 4 restricted residential use remedy. SESI also recommended an ACM survey, radon survey, and LBP survey.

DEC sent Consolidated Edison a comment letter on the AAR on September 30, 2022. The letter stated in paragraph #1, that the Requestor's "proposed redevelopment plans include the construction of a parking garage and multi-use building that will require excavation to 15-20 feet below grade to construct a basement as required by its location in the floodplain." It is important for the Department to first understand that the foundation has been redesigned to be much more shallow because the deeper original foundation discussed in this letter was not only causing remediation costs to become too expensive, but a new shallower foundation was actually designed to be more compatible than a bathtub basement with the flood plain issue, and was accepted by the Village in the site plan review. In addition, the AAR Comment Letter stated that: "The Department will not approve any construction which has the potential to impact or degrade the integrity of ISS remedy components." Therefore, a shallower foundation was more protective of the ISS remedy.

The AAR Comment Letter also stated that "in consideration of DER-31, the Department requires the evaluation of an additional alternative proposing the targeted removal of subsurface soils containing contaminants of concern (COCs) at concentrations greater than 6 NYCRR Part 375-6 Restricted Residential Soil Cleanup Objectives (RRSCOs) and/or impacted soil that meets the criteria as MGP source material to a depth of up to 20 feet below grade, or to the depths required for the structures or supports by the developer's construction design. The alternative should also include ISS treatment for subsurface soils containing MGP-related impacts at greater depths

beyond what is required to construct the buildings (i.e., to depths up to 34 feet below grade, as outlined in the current Alternative 3). This alternative should include the same long-term groundwater/NAPL monitoring, institutional controls, and Site Management Plan (SMP) components as outlined in the current Alternatives 2 and 3."

DEC also asked that additional sampling be conducted in the vicinity of the two former gas holders located south of Kill Brook and one former gas holder located north of the Kill Brook and that the proposed ISS limits be expanded to include the locations of soil borings SB-21, SB-22, SB-22A, and SB-25. All of these locations will be further evaluated as part of a Pre-Design Investigation ("PDI") to be conducted by Con Edison, in accordance with Con Edison's responses to DEC's February 28, 2023 AAR Comment Letter. The PDI Work Plan ("PDIWP") was submitted to NYSDEC by Consolidated Edison on May 31, 2023 and is expected to be implemented in August 2023. A Remedial Design Work Pan will then be drafted based on the results of the PDI.

The AAR Comment Letter also required a Site-wide cover system as a component of the final remedy for OU-1 to allow for restricted-residential use of the Site and to protect the ISS component of the remedy.

SESI has prepared an April 2023 Remedial Action Work Plan ("RAWP"), which is attached to this application. The RAWP incorporates the Alternative 3 remedy in the AAR and addresses the DEC's comments on the AAR above, and makes further accommodations for the reuse of the Site for the actual proposed project.

SECTION V – REQUESTOR INFORMATION

The Requestor is WB 30 Water Street, LLC, a New York limited liability company, located at 480 Bedford Road, 300 Building, First Floor West Wing, Chappaqua, New York 10514. WB 30 Water Street, LLC is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The members are as follows:

1. William Balter, Managing Member
2. James Wendling, Member

The Written Consent provides William Balter with authority to sign all Brownfield Cleanup Program ("BCP") documents on behalf of the Requestor WB 30 Water Street, LLC. *See* Exhibit I, Corporate Consent.

As further described below in Section IV, the Site is located at Water Street and Central Avenue, Village of Ossining, tax parcel identification no. 89.19-6-26, 89.19-6-27, 89.19-6-28, and 89-19-6-29 ("Site" or "BCP Site").

The Requestor is not the owner of the BCP Site. As more fully described below in Section IX, The Village of Ossining is the current owner of the Site. *See* Exhibit J Deed. The Requestor has received a site access agreement from the Owner to access the Site to perform the BCP investigation and remediation work required. *See* Exhibit K Site Access Agreement.

The Requestor has no prior relationship with any current or past owners or operators of the Site. *See* Exhibit F Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-10. Please refer to BCP Application Form.

11. Unregistered bulk storage tanks

The response to this question on the application is "no" for the following reasons. Environmental reports attached to this application note historic USTs and ASTs containing unleaded gasoline, diesel fuel, #1 fuel oil, #2 fuel oil, or #4 fuel oil on the Site. However, no anomalies indicative of USTs or ASTs were detected during Site geophysical investigations. The Westchester County Department of Health Petroleum Bulk Storage ("PBS") records for the Site indicate that the PBS facility was closed in 2005. This documentation suggests that there are no active PBS tanks still present requiring registration. In addition, the NYSDEC Chemical Bulk Storage ("CBS") database listed no active registrations for the Site. A geophysical investigation was also conducted as part of the Requestor's due diligence and no anomalies indicative of a tank were found.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it plans to purchase a portion of the Site from the current Village of Ossining Site owner. Requestor did not have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and has implemented due care of the Site during any Site access activities.

SECTION VII- REQUESTOR CONTACT INFORMATION

Please refer to the responses on the BCP Application Form.

SECTION VIII – PROGRAM FEE

Please refer to responses on the BCP Application Form.

SECTION IX- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The owners of the Site are listed in the table below.

Parcel Address	Owner
Water Street (89.19-6-26)	Village of Ossining
Central Ave (89.19-6-27)	Village of Ossining
Central Ave (89.19-6-29)	Village of Ossining
Water Street (89.19-6-28)	Village of Ossining

See Exhibit J Deed.

The Previous Owner and Operator list is attached in Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit F also includes the prior operators' use of the Site.

The Requestor's relationship with the Village of Ossining, site owner, is that the Requestor was selected through a competitive bidding process to be the contract vendee to acquire a portion of the BCP Site, remediate the entire BCP Site, and then serve as the master developer for the affordable housing project. The Requestor and the Village have entered into a Land Disposition Agreement to effectuate these goals.

SECTION X - PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. *See* Environmental Reports separately attached and the Spider Maps in Exhibit G, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law § 27-1405(2).

SECTION XI - CONTACT LIST INFORMATION

See Exhibit L for the Site Contact List. *See* Exhibit M, for the Repository Letter.

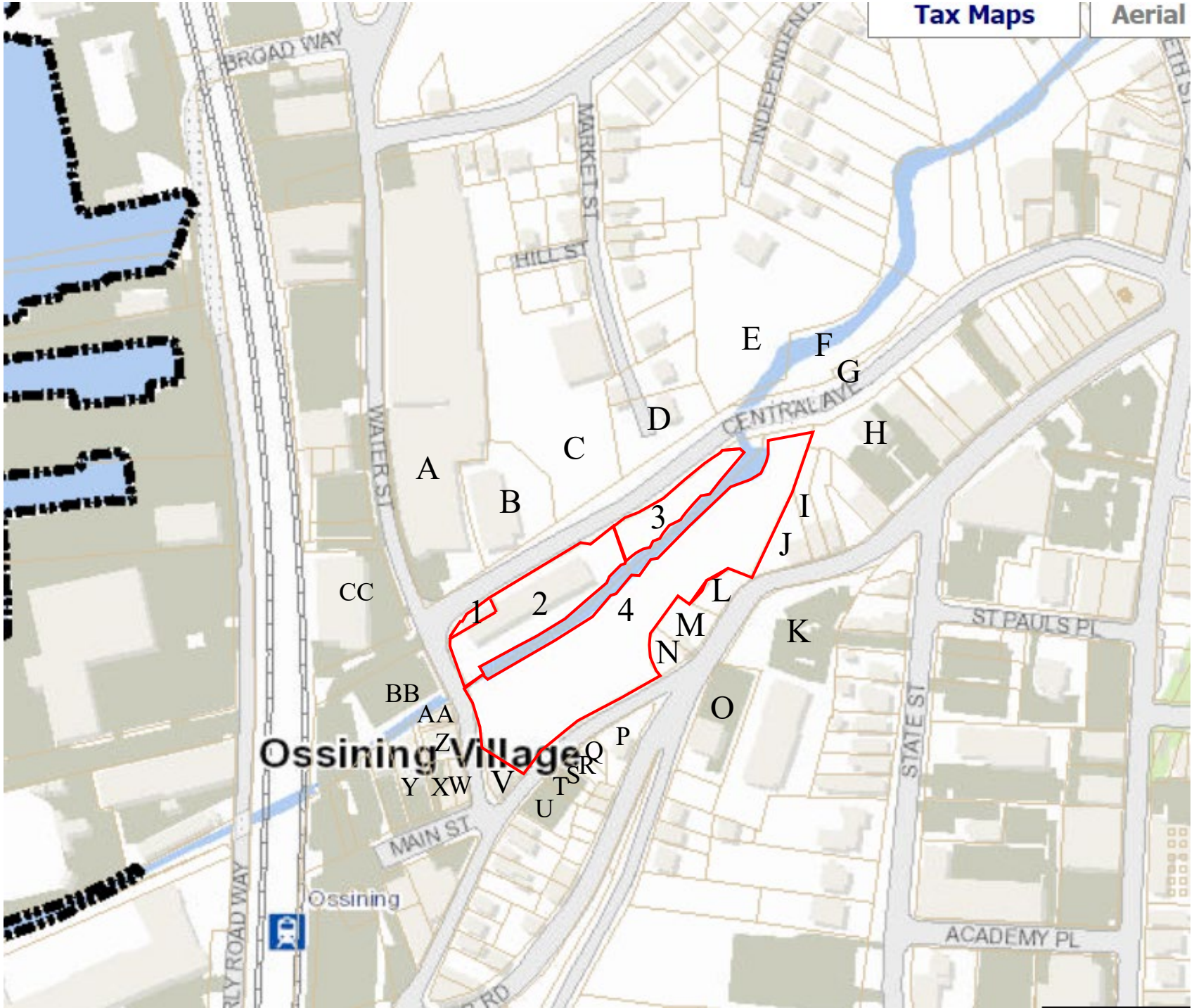
BASE MAP

Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Legend:

Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – CC



August 2021
Source: Westchester County GIS
Scale: 1” = 100’ approximately

N

True North

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

Number	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	Village of Ossining	N/A Water Street	89.19-6-26
2	Village of Ossining	N/A Central Avenue	89.19-6-27
3	Village of Ossining	N/A Central Avenue	89.19-6-29
4	Village of Ossining	N/A Water Street	89.19-6-28

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	The Wire Mill LLC	62 Water Street	89.19-5-1
B	Con Edison Co of New York	39 Central Avenue	89.19-5-75
C	Con Edison Co of New York	22 Market Street	89.19-5-11
D	Patricio Segarra and Vilma Gorillo	27 Market Street	89.19-5-12
E	Eric Bourassa and Carly Jacobson	1 Independence Place	89.19-5-37
F	Village of Ossining	Central Avenue	89.19-5-74
G	Village of Ossining	Central Avenue	89.19-5-73
H	J & J Main Street, LLC	95-97 Main Street	89.19-6-15.1
I	Theobald C. Joseph	81 Main Street	89.19-6-20
J	Michael Campbell, Jr.	79 Main Street	89.19-6-21
K	Hudson EFT LLC	80 Main Street	97.07-2-1
L	Village of Ossining	Main Street	89.19-6-22
M	OVO Property Group LLC	Main Street	89.19-6-23
N	OVO Property Group LLC	65 Main Street	89.19-6-24
O	Armando and Aldina Homem	Hunter Street	97.07-2-75
P	Sheila and Shaye Speller	41 Secor Road	97.07-1-34
Q	Village of Ossining	Main Street	97.07-1-33

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
R	Village of Ossining	Main Street	97.07-1-32
S	Village of Ossining	Main Street	97.07-1-31
T	Village of Ossining	Main Street	97.07-1-30
U	Village of Ossining	Main Street	97.07-1-29
V	Victor and Jackqueline Calderon	37 Main Street	89.19-6-25
W	35 Ossining LLC	35 Main Street	97.07-1-4
X	35 Ossining LLC	33 Main Street	97.07-1-5
Y	27A Main Street LLC	27A Main Street	97.07-1-6
Z	Victor Costa	21-23 Water Street	97.07-1-3
AA	25 Water Street Realty LLC	25 Water Street	97.07-1-2
BB	Village of Ossining	31 Water Street	97.07-1-1
CC	Midtown Trackage Ventures LLC	Transpiration	97.06-1-17

Site Location Map

Ossining Gas Works DPW Site

Water Street and Central Avenue
Village of Ossining, New York 10562

USGS science for a changing world — U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY

The National Map US Topo

OSSINING QUADRANGLE
NEW YORK - WESTCHESTER COUNTY
7.5-MINUTE SERIES

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and 1 000-meter grid:Universal Transverse Mercator, Zone 18T

This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.

Imagery	NAIP, August 2017 - December 2017	
Roads	U.S. Census Bureau,	2016
Names	GNIS, 1980 -	2019
Hydrography	National Hydrography Dataset, 2002 -	2016
Contours	National Elevation Dataset,	1999
Boundaries	Multiple sources; see metadata file	2017 - 2018
Wetlands	FWS National Wetlands Inventory	1990 - 2011

MN GN 19°14' 232 MILS 3°47' 14 MILS
UTM GRID AND 2016 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

U.S. National Grid
Unlabeled Grid Interval: 1000 Meter
WL XL
Site Zone Designation: 18T

SCALE 1:24 000

KILOMETERS: 1 0.5 0 1 2
METERS: 1000 500 0 1000 2000
MILES: 1 0.5 0 1
FEET: 1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standard, 2011. A metadata file associated with this product is draft version 0.6.18

NEW YORK
QUADRANGLE LOCATION

1	2	3
4		5
6	7	8

1 Peekskill
2 Mohegan Lake
3 Croton Falls
4 Haverstraw
5 Mount Kisco
6 Nyack
7 White Plains
8 Glenville

ADJOINING QUADRANGLES

ROAD CLASSIFICATION
Expressway — Local Connector
Secondary Hwy — Local Road
Ramp — 4WD
Interstate Route — US Route — State Route

★ BCP Site Location

OSSINING, NY
2019

NSN. 7643013161703
NGA REF NO. USGS X24K35868

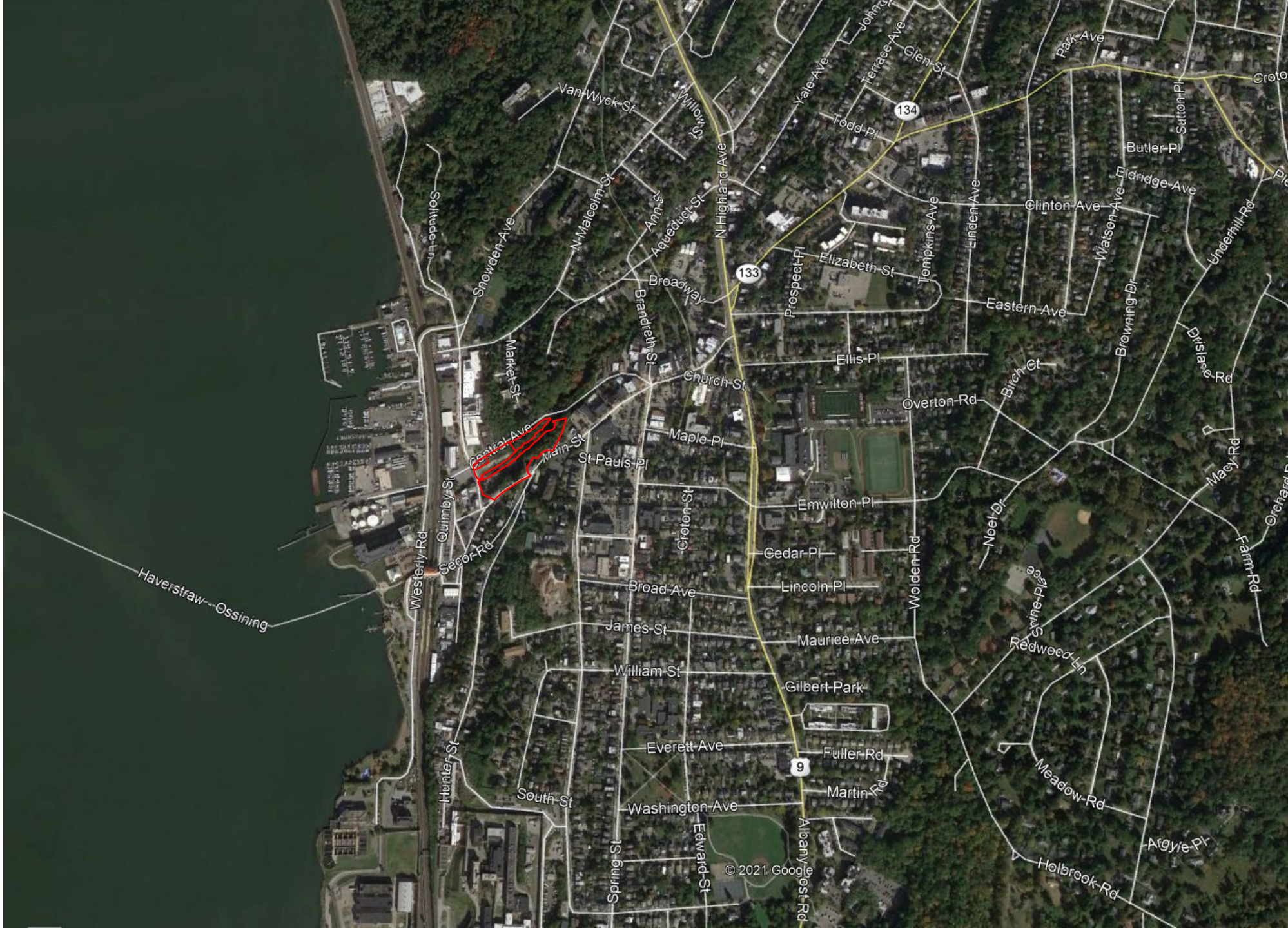
Street Map

Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Legend:

Site Property Boundary

August 2021
Source: Google Earth
Scale: 1” = 100’ approximately



FIELDWORK COMPLETED: July 1, 2021

TITLE COMMITMENT
Title No. BTA80078
Effective Date: March 13, 2021

CERTIFICATIONS:

Wilder Balter
Stewart Title Insurance Company
Benchmark Title Agency, LLC

DEED REFERENCE:
AS TO SECTION 89.19 BLOCK 6 LOT 22:
Liber 4245 Page 116 (Premises and More)
Recorded: April 20, 1945
Grantor: Albert W. Hendrickson, Esq., Referee
Grantee: Village of Ossining

DEED REFERENCE:
AS TO SECTION 89.19 BLOCK 6 LOTS 26, 27, 28 and 29:
Liber 5770 Page 275
Recorded: December 30, 1957
Grantor: Consolidated Edison Company of New York, Inc.
Grantee: Village of Ossining

MAP REFERENCE:
Map Entitled "Survey of Property", situate in the Village of Ossining, Westchester County, New York, Belonging to Village of Ossining dated April 1958 prepared by W.A. Slater, P.E. & L.S.

GENERAL NOTES:
Property corner monuments were not placed as part of this survey.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2 of the New York State Education Law.

The alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plats prepared by others.

Underground structures, if any exist, are not shown hereon, except as noted. The location of underground improvements or encroachments are not always known and often must be estimated. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to this surveyor, they may not be shown on this map and are not certified.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person or entity for whom this survey was prepared and on their behalf to the title company, governmental agency and/or lending institution listed hereon, and to the assignees thereof.

Certifications are not transferable to additional lending institutions or subsequent owners.

This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title examiner.

Only copies from the original of this survey marked with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed seal should be assumed to be an unauthorized copy.

Plainimetric details shown hereon were derived from Aerial Photography dated: December 7, 2017 by GEO Mpas International.

ALL that certain piece or parcel of land situate, lying and being in the Village of Ossining, County of Westchester, and State of New York, bounded and described as follows:
BEGINNING at a point on the southerly line of Central Avenue, said point being on the common boundary line of lands now or formerly belonging to J & J Main Street, LLC on the east and lands now or formerly belonging to Village of Ossining on the west; running thence along the easterly line of said lands of Village of Ossining and the westerly line of said lands of J & J Main Street, LLC, lands now or formerly belonging to Tino Talic and lands now or formerly belonging to Michael J. Campbell Jr.
South 15°46'17" West 40.90 feet,
South 19°46'17" West 64.77 feet, and
South 22°46'17" West 147.26 feet to the northerly line of other lands now or formerly belonging to Village of Ossining;
thence along the northerly line of said lands,
North 75°49'43" West 38.79 feet,
South 70°46'17" West 39.00 feet, and
South 40°46'17" West 52.00 feet to the northerly line of lands now or formerly belonging to Ovo Property Group LLC;
thence along said lands,
North 66°30'03" West 28.50 feet,
South 26°33'57" West 77.25 feet,
South 03°55'57" West 27.10 feet,
South 07°58'53" East 22.50 feet, and
South 27°34'53" East 25.50 feet to the northerly line of Main Street;
thence along the northerly line of Main Street,
South 62°22'57" West 69.38 feet,
South 60°04'17" West 46.85 feet,
South 56°50'27" West 84.75 feet,
South 51°41'57" West 34.71 feet, and
South 45°10'37" West 43.64 feet to the northeasterly line of lands now or formerly belonging to Victor & Jackqueline Calderon;
thence along said line North 67°02'03" West 82.25 feet to the easterly line of Water Street;
thence along said easterly line of Water Street,
North 05°49'43" West 73.06 feet,
North 28°14'23" West 103.47 feet,
North 59°05'07" East 8.35 feet, and
North 31°35'53" West 7.92 feet to a non-tangent curve connecting the easterly line of Water Street with the southerly line of Central Avenue;
thence along said curve turning to the right with a radius of 50.00 feet, an arc length of 47.49 feet and a delta angle of 54°25'30", to a point of tangency,

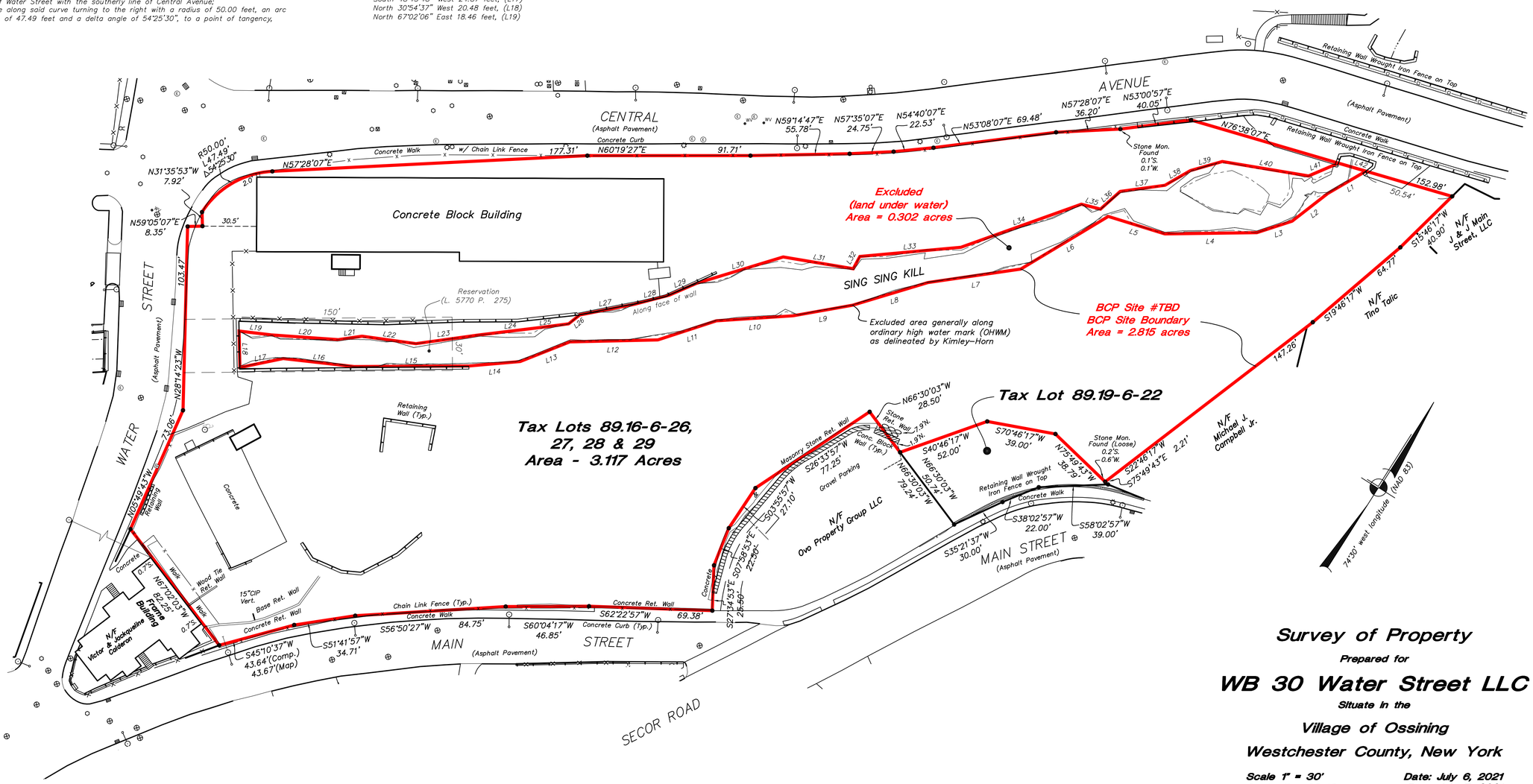
thence continuing along said southerly line of Central Avenue,
North 57°28'07" East 177.31 feet,
North 60°19'27" East 91.71 feet,
North 59°14'47" East 55.78 feet,
North 57°35'07" East 24.75 feet,
North 54°40'07" East 22.53 feet,
North 53°08'07" East 69.48 feet,
North 57°28'07" East 36.20 feet,
North 53°00'57" East 40.05 feet,
North 76°38'07" East 152.98 feet, to the point or place of Beginning.

EXCLUDING THEREFROM all that certain piece or parcel of land situate, lying and being in the Village of Ossining, County of Westchester, and State of New York, bounded and described as follows:
BEGINNING at a point on the southerly line of Central Avenue, said point being South 76°38'07" West 50.54 feet from the common boundary line of lands now or formerly belonging to J & J Main Street, LLC on the east and lands now or formerly belonging to Village of Ossining on the west;
thence through said lands of Village of Ossining the following bearings and distances:
South 30°00'53" West 24.83 feet, (L1)
South 22°25'29" West 25.41 feet, (L2)
South 42°16'29" West 20.86 feet, (L3)
South 59°34'32" West 51.74 feet, (L4)
South 77°27'28" West 33.26 feet, (L5)
South 29°18'00" West 57.41 feet, (L6)
South 52°02'54" West 52.75 feet, (L7)
South 43°35'29" West 44.28 feet, (L8)
South 50°12'02" West 33.93 feet, (L9)
South 56°34'06" West 43.26 feet, (L10)
South 42°15'37" West 34.61 feet, (L11)
South 59°01'25" West 49.50 feet, (L12)
South 38°43'18" West 30.01 feet, (L13)
South 55°26'19" West 28.95 feet, (L14)
South 60°00'28" West 64.50 feet, (L15)
South 66°43'01" West 40.16 feet, (L16)
South 48°43'48" West 24.87 feet, (L17)
North 30°54'37" West 20.48 feet, (L18)
North 67°02'06" East 18.46 feet, (L19)
North 64°24'02" East 37.47 feet, (L20)
North 52°09'10" East 13.59 feet, (L21)
North 68°11'06" East 30.56 feet, (L22)
North 52°27'26" East 35.90 feet, (L23)
North 53°24'31" East 36.40 feet, (L24)
North 52°50'25" East 14.29 feet, (L25)
North 21°42'53" East 7.99 feet, (L26)
North 49°18'59" East 30.98 feet, (L27)
North 45°35'19" East 20.69 feet, (L28)
North 36°49'24" East 16.49 feet, (L29)
North 43°23'00" East 51.06 feet, (L30)
North 69°52'07" East 39.93 feet, (L31)
North 01°13'35" West 7.84 feet, (L32)
North 55°06'41" East 57.09 feet, (L33)
North 40°38'26" East 71.88 feet, (L34)
North 74°40'45" East 11.10 feet, (L35)
North 18°26'58" East 14.92 feet, (L36)
North 52°30'15" East 25.37 feet, (L37)
North 30°20'12" East 16.54 feet, (L38)
North 44°21'59" East 18.64 feet, (L39)
North 69°51'21" East 49.21 feet, (L40) and
North 37°05'31" East 18.29 feet (L41) to the southerly line of Central Avenue,
North 76°38'07" East 16.05 feet (L42) along said southerly line of Central Avenue to the point or place of Beginning.

Containing a total area, after exclusion, of 2.815 acres

Legend

- CATCH BASIN
- MANHOLE
- POLE
- HYDRANT
- LIGHT POLE
- UTILITY POLE W/LIGHT
- SEWER MANHOLE
- VALVE
- FENCE LINE
- OVERHEAD WIRES
- RETAINING WALL
- ANCHOR WIRE
- ELECTRIC MANHOLE
- VALVE
- WATER VALVE
- GAS VALVE



Survey of Property

Prepared for

WB 30 Water Street LLC

Situate in the

Village of Ossining

Westchester County, New York

Scale 1" = 30'
Scale 1" = 98.43 meters

Date: July 6, 2021
Rev.: July 7, 2021

0 30 60

20190.100
Survey Topo.dwg

JEFFREY B. DeROSA, L.S.
New York State License No. 050749

INSITE
ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(845) 225-9717 fax
www.insite-eng.com

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Tax Map

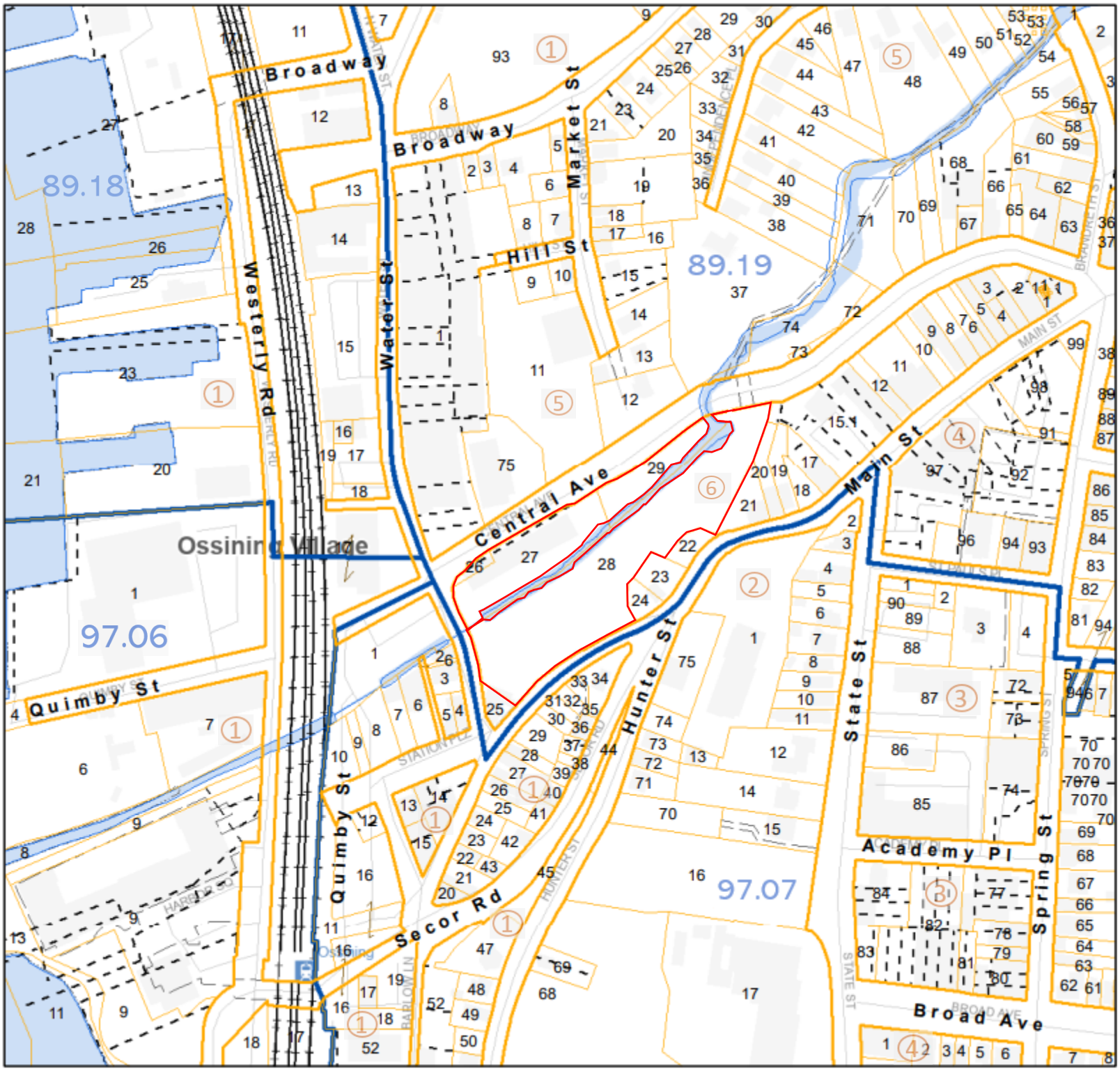
Ossining, NY

June 21, 2023

1 inch = 283 Feet

0 283 566 849

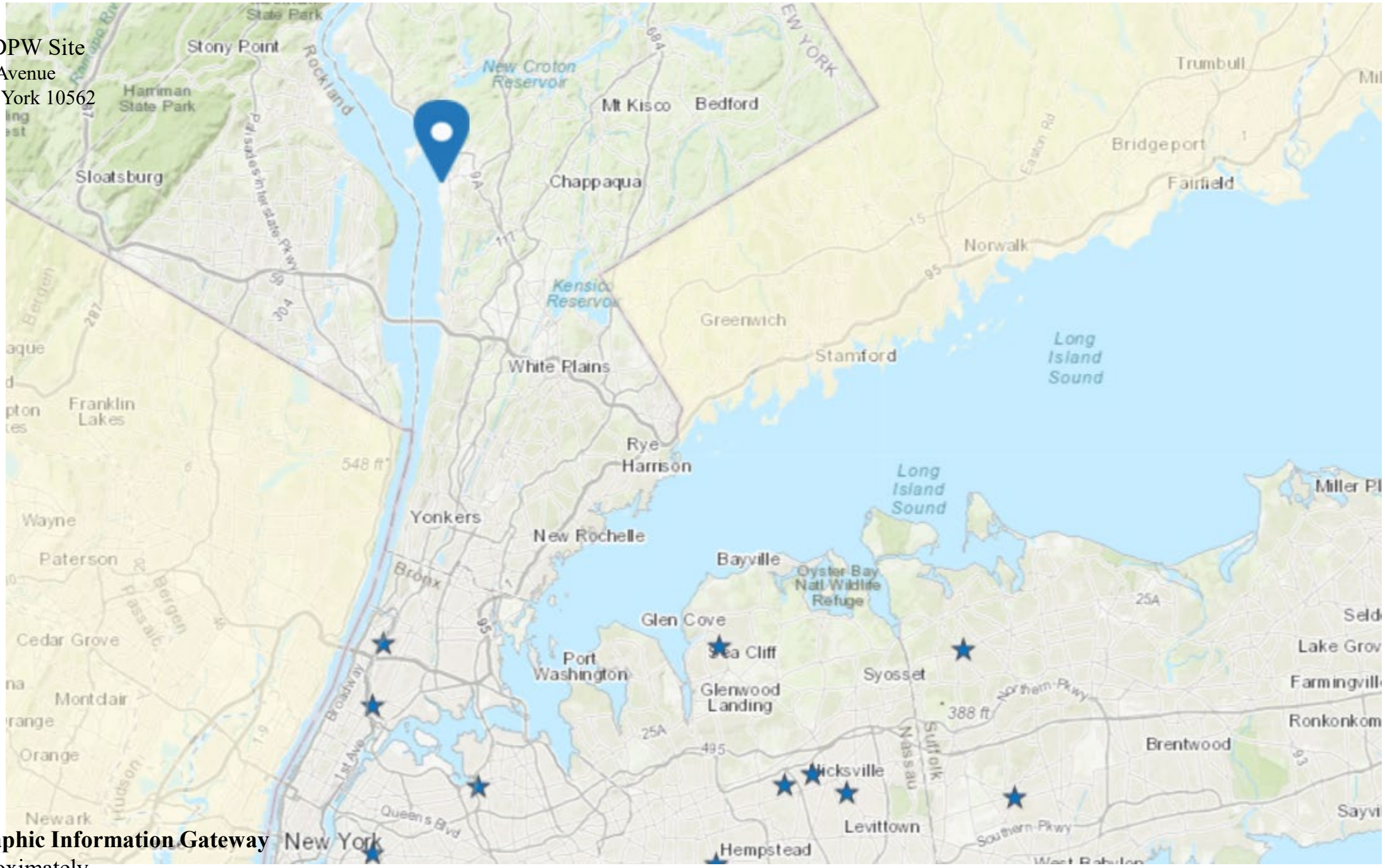
www.cai-tech.com



CAI Town Line	Ease_Line	17	Lot Number	Railroad	
PROPERTYLINE	Lake; Pond; River; Saltwater; Stream			BCP Site	
ROAD	Landhook	6	Block Number		
Section	Lotline	97.07	Section Number		

BOA Map

Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562



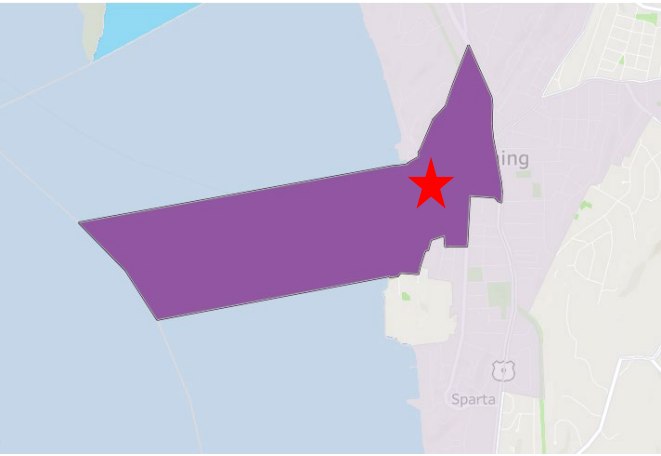
BCP Site Location

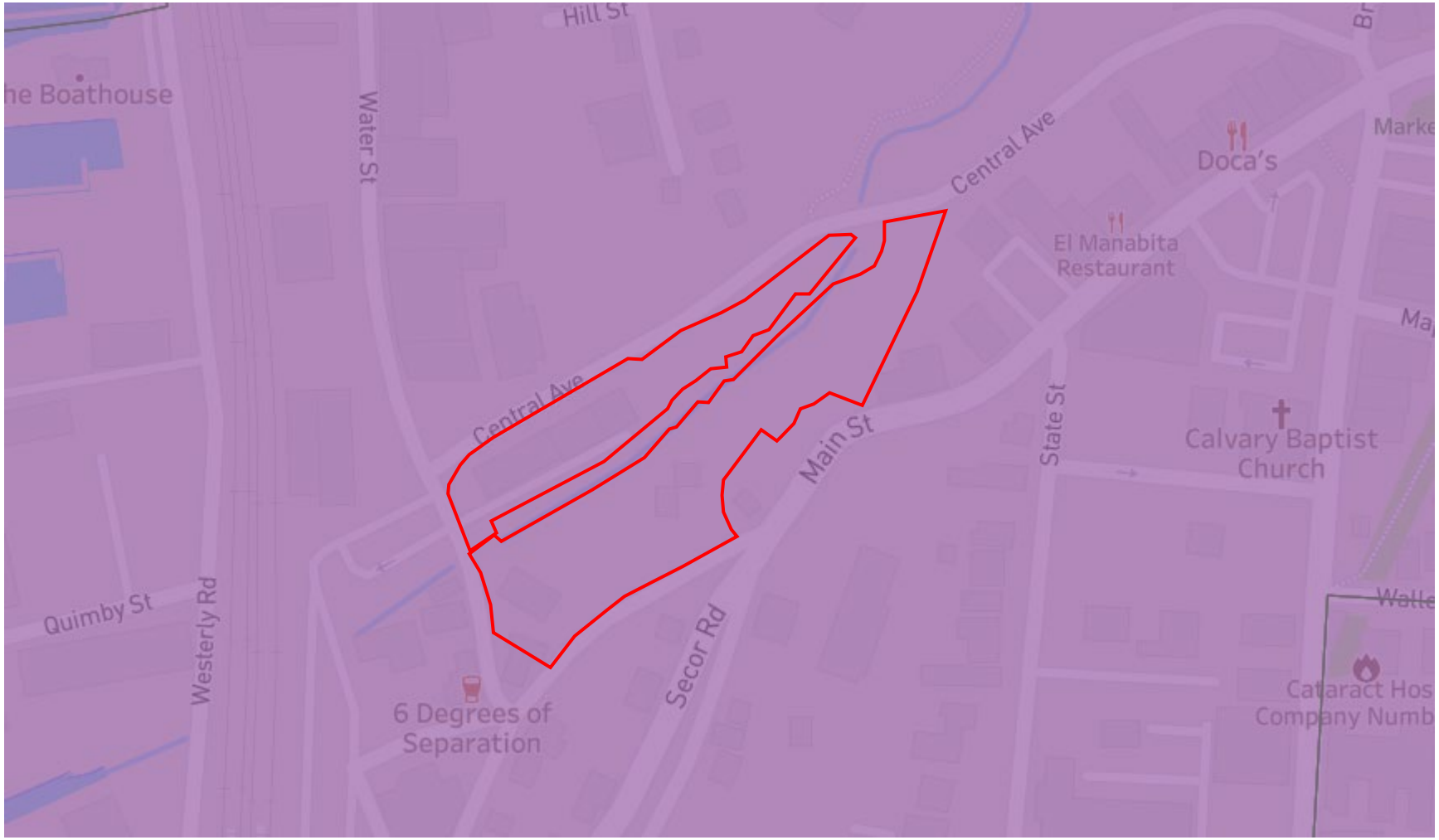
BOA Designations

August 2021
Source: NYS Geographic Information Gateway
Scale: 1” = 100’ approximately

Disadvantaged Communities Map

Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562





Census Tract 36119013301 is **Designated a Draft DAC**
This Tract covering **Ossining village** has a population of **3,331**

Environmental Burden is higher than **96%** of Census Tracts statewide
Population Vulnerability is higher than **79%** of Census Tracts statewide

Legend:

Site Property Boundary

Disadvantaged Community

Population Characteristics & Vulnerability

Health Impacts & Burdens	Asthma ED visits	61%
	COPD ED visits	61%
	Heart attack (MI) Hospitalization	55%
	Low Birthweight	66%
	Pct Adults Age 65+	47%
	Pct w/ Disabilities	79%
	Pct w/o Health Insurance	90%
	Premature Deaths	12%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	83%
	Homes Built Before 1960	22%
	Housing Cost Burden (Rental C..	80%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	69%
	Pct w/o Internet (home or cellul..	66%
Income	Pct <100% of Federal Poverty ..	69%
	Pct <80% Area Median Income	91%
	Pct Single-Parent Households	85%
	Pct w/o Bachelor's Degree	39%
	Unemployment Rate	6%
Race/Ethnicity	Limited English Proficiency	90%
	Pct Asian	44%
	Pct Black or African American	70%
	Pct Latino/a or Hispanic	93%
	Pct Native American or Indigen..	33%

Environmental Burden & Climate Change Risk

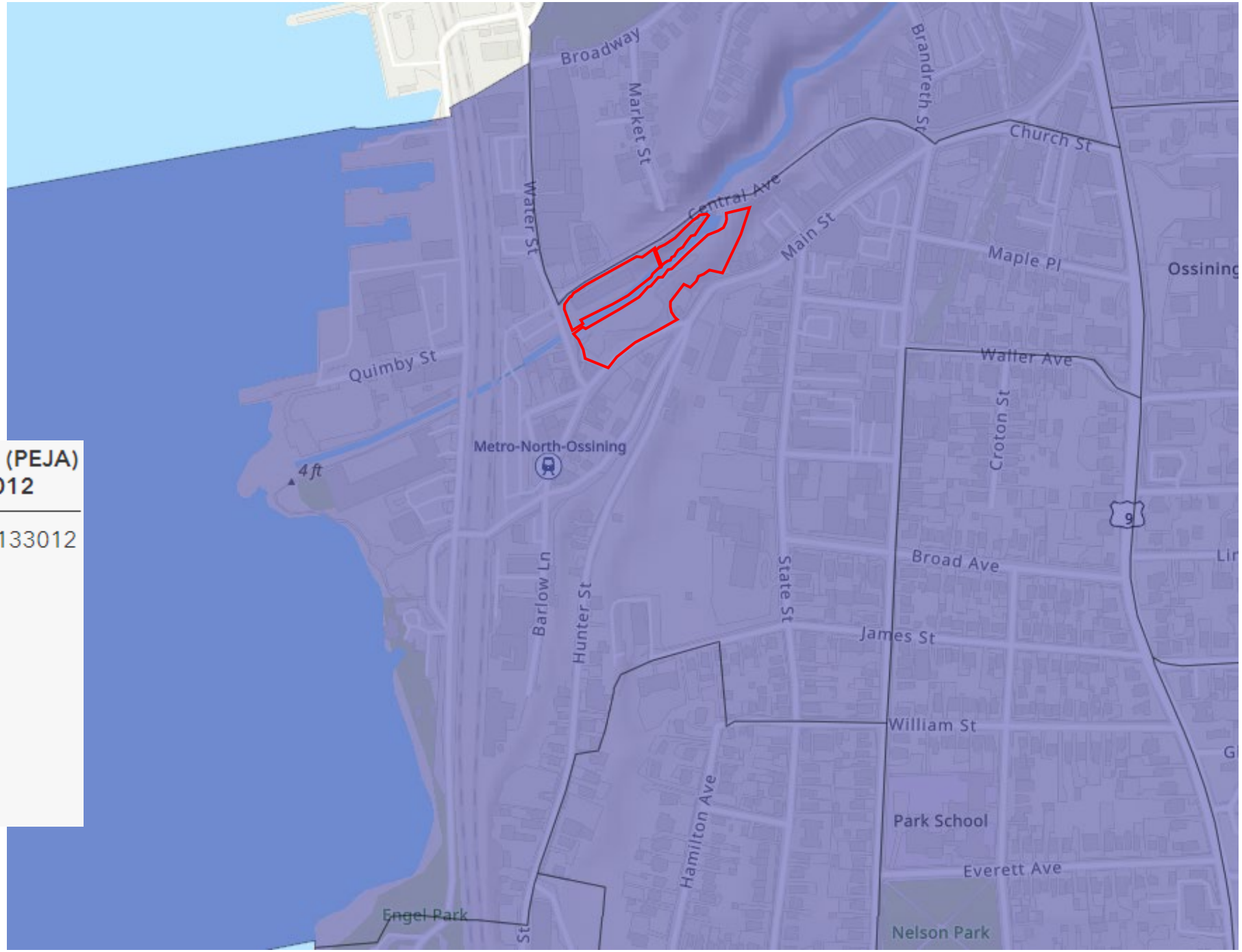
Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	68%
	Industrial/Manufacturing/Mining La..	82%
	Major Oil Storage Facilities	83%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch..	18%
	Remediation Sites	79%
	Scrap Metal Processing	0%
Potential Climate Change Risk	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ..	37%
	Driving Time to Urgent/Critical Care	54%
	Extreme Heat Projections (>90° d..	79%
	Inland Flooding Risk Areas	99%
	Low Vegetative Land Cover	59%
Potential Pollution Exposure	Benzene Concentration (Modeled)	36%
	Particulate Matter (PM2.5)	44%
	Traffic: Diesel Trucks	30%
	Traffic: Number of Vehicles	56%
	Wastewater Discharge	76%

EJ - Map

Ossining Gas Works DPW Site

Water Street and Central Avenue

Village of Ossining, New York 10562



Potential Environmental Justice Area (PEJA) Communities: 15000US361190133012

Census Block Group	15000US361190133012
Percentage Below Poverty Level	29.79
Total Population	1,453.00
Percentage Minority Population	85.22
PEJA	Yes

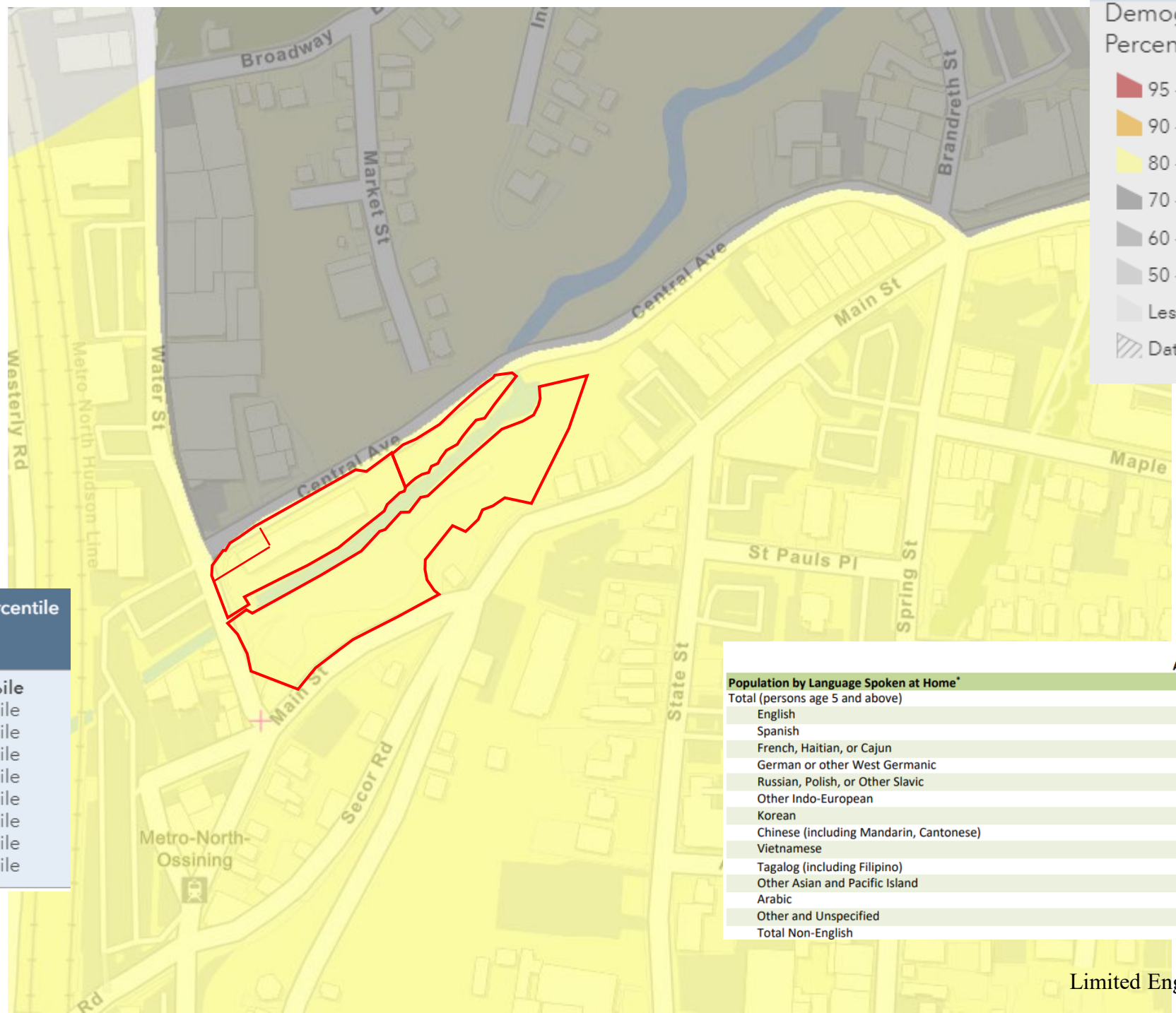
January 2023

Source: NYS ArcGIS

Scale: 1” = 100’ approximately

Legend:

Site Property Boundary



Demographic Index (National Percentiles)

- 95 - 100 percentile
- 90 - 95 percentile
- 80 - 90 percentile
- 70 - 80 percentile
- 60 - 70 percentile
- 50 - 60 percentile
- Less than 50 percentile
- Data not available

Westchester County, NY	US Percentile
Population: 1490	
Demographic Index:	**85 %ile**
Supplemental Demographic Index:	92 %ile
People of Color:	79 %ile
Low Income:	83 %ile
Unemployment Rate:	47 %ile
Limited English Speaking:	95 %ile
Less Than High School:	94 %ile
Under Age 5:	97 %ile
Over Age 64:	43 %ile

	2016 - 2020 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	18,890	100%	878
English	9,599	51%	598
Spanish	7,656	41%	857
French, Haitian, or Cajun	51	0%	141
German or other West Germanic	124	1%	83
Russian, Polish, or Other Slavic	47	0%	38
Other Indo-European	643	3%	166
Korean	74	0%	98
Chinese (including Mandarin, Cantonese)	91	0%	43
Vietnamese	1	0%	12
Tagalog (including Filipino)	46	0%	31
Other Asian and Pacific Island	439	2%	405
Arabic	85	0%	138
Other and Unspecified	34	0%	52
Total Non-English	9,291	49%	912

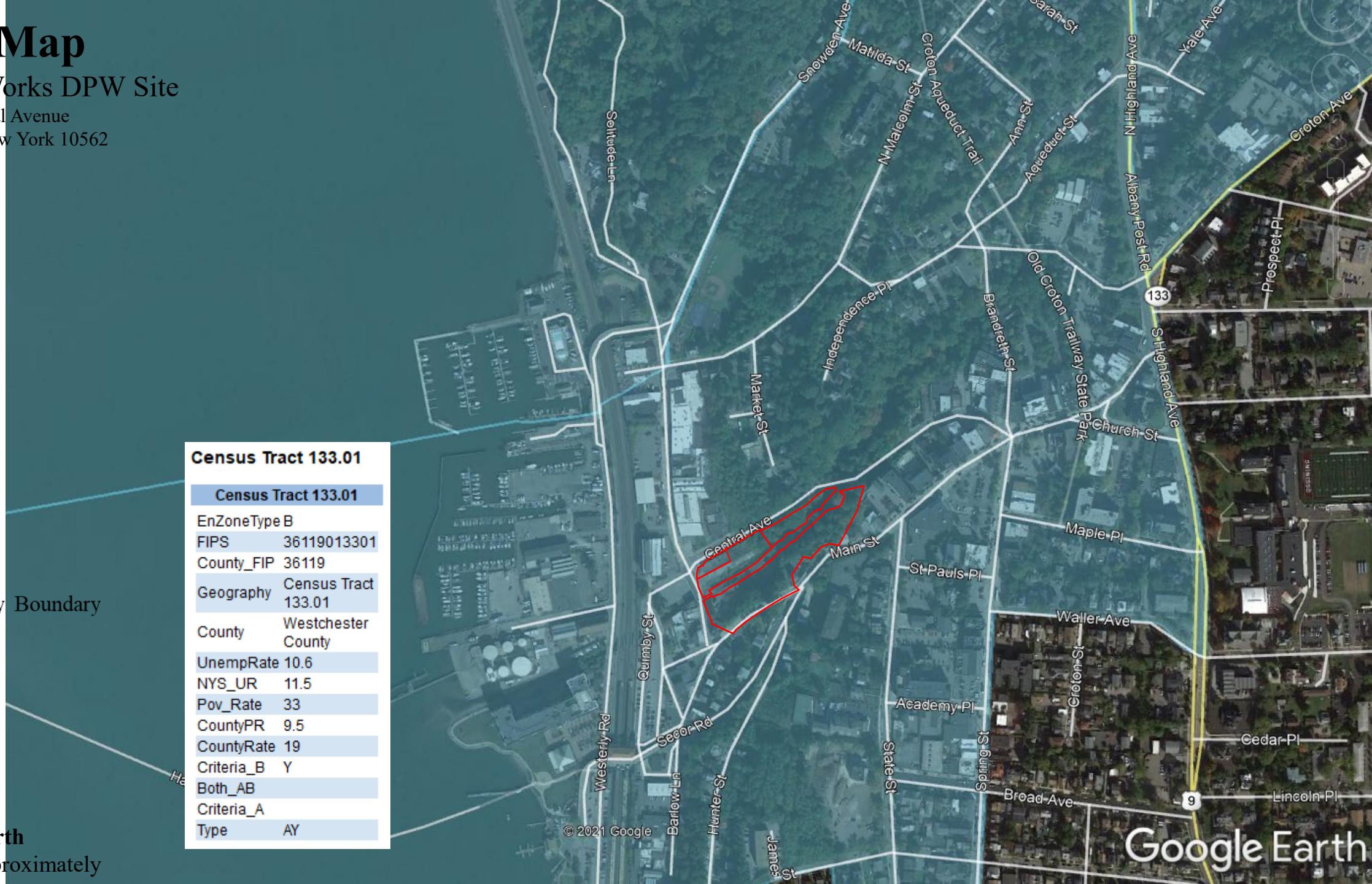
Limited English Speaking: 16%

January 2023
Source: EPA EJScreen
Scale: 1” = 100’ approximately

En-Zone Map

Ossining Gas Works DPW Site

Water Street and Central Avenue
Village of Ossining, New York 10562



Census Tract 133.01

Census Tract 133.01	
EnZoneType	B
FIPS	36119013301
County_FIP	36119
Geography	Census Tract 133.01
County	Westchester County
UnempRate	10.6
NYS_UR	11.5
Pov_Rate	33
CountyPR	9.5
CountyRate	19
Criteria_B	Y
Both_AB	
Criteria_A	
Type	AY

Legend:

Site Property Boundary

August 2021
Source: Google Earth
Scale: 1” = 100’ approximately

FLOOD MAP

Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Legend:

★ Site Location

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

August 2021
Source: FEMA Flood Map
Scale: 1" = 100" approximately

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from digital orthophotography provided by the New York State Office of Cyber Security & Critical Infrastructure Coordination. This information was produced as 20-centimeter resolution natural color orthoimagery from photography dated April 2004.

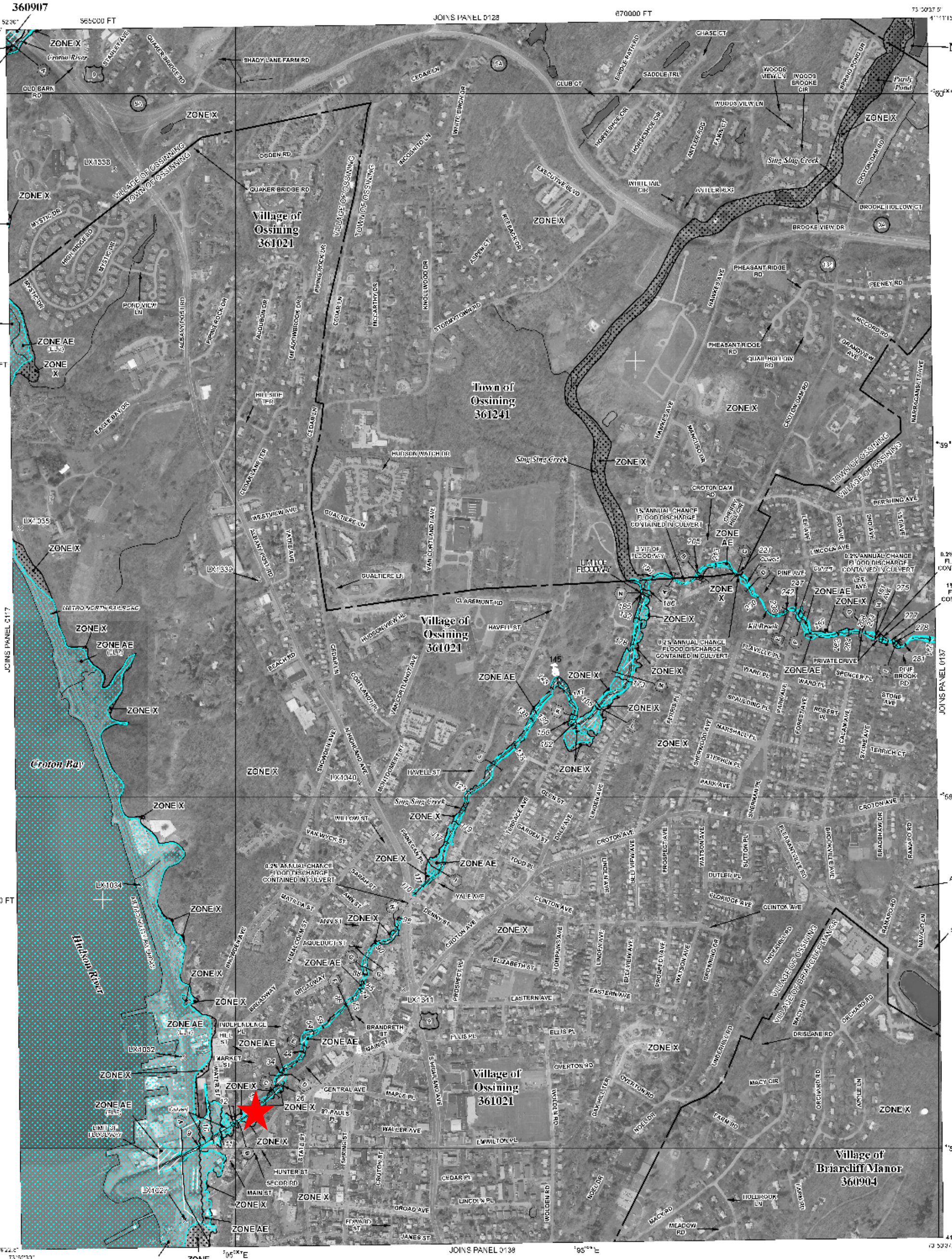
Based on updated topographic information, this map reflects more detailed and up-to-date **stream channel configurations and floodplain delineations** than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for unrevised streams may differ from what is shown on previous maps.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://msc.fema.gov.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
~~ 513 ~~~	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

(A)——(A)	Cross section line
3——[3]	Limited detail cross section line
(23)- - - -(23)	Transect line
87°07'45", 32°22'30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
4276000mN	1000-meter Universal Transverse Mercator grid values, zone 18N
600000 FT	5000-foot grid ticks: New York State Plane coordinate system, East zone (FIPSZONE 3101), Transverse Mercator projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
September 28, 2007

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0136F

FIRM
FLOOD INSURANCE RATE MAP

for WESTCHESTER COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
BRIARCLIFF MANOR, VILLAGE OF	360904
CROTON-ON-HUDSON, VILLAGE OF	360907
NEW CASTLE, TOWN OF	360921
OSSINING, TOWN OF	361241
OSSINING, VILLAGE OF	361021

PANEL 136 OF 426
MAP SUFFIX: F
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
36119C0136F

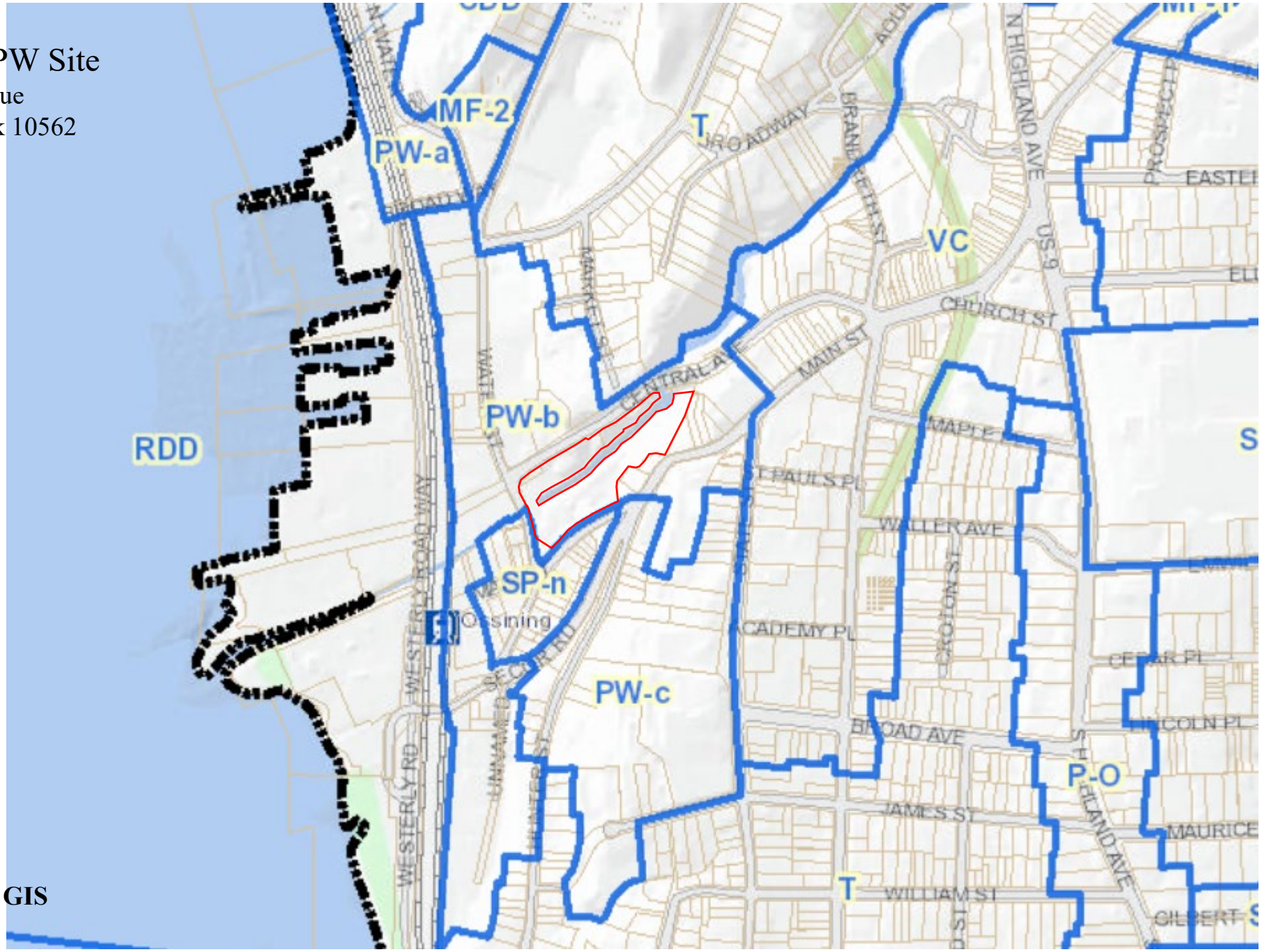
EFFECTIVE DATE
SEPTEMBER 28, 2007

Federal Emergency Management Agency

ZONING MAP

Ossining Gas Works DPW Site

Water Street and Central Avenue
Village of Ossining, New York 10562



Legend:

Site property boundary
Zoning District: PW-b

August 2021
Source: Westchester County GIS
ArcGIS
Scale: 1" = 100" approximately

N

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

Zoning District: PW-b (Central Waterfront – Transit)

Planned Waterfront – Non-Residential Districts

A. Purpose: to establish a carefully designed mixed-use development plan for the waterfront area that will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

1. Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.
2. Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.
3. Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment control;[1] minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent feasible by protecting scenic views. [1]Editor's Note: See Ch. 227, Stormwater Management and Erosion and Sediment Control.
4. Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.
5. Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.
6. Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:
    a. Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.
    b. Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.
    c. Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.
    d. Provide means of various housing opportunities that help meet the needs of the community, including affordable housing and senior citizen housing.

B. Uses. Permitted principal, accessory, conditional and special permit uses in the Planned Waterfront Districts shall be as provided in Appendix A.[2]

[2] Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements:

1. Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
2. Wading pool or swimming pool incidental to the use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33. [Added 8-2-2011 by L.L. No. 3-2011]
3. Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association. [Added 8-2-2011 by L.L. No. 3-2011]

D. Bulk requirements. Bulk requirements in the Planned Waterfront Districts shall be as provided in Appendix B[3] and subject to the additional requirements specified in this section and elsewhere in this chapter. [3] Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

E. Parking requirements. Parking requirements in the Planned Waterfront Districts shall be as provided in Appendix C[4] and subject to requirements specified elsewhere in this chapter.[4] Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

F. Special provisions applicable to Planned Waterfront Districts.

1. Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.
2. Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

3. View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

4. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

a. Streams and other water bodies.
b. Forested uplands.
c. Views of the Hudson River, forested uplands and other natural features from public rights-of-way.
d. Wetlands, swamps and vernal pools.
e. Steep slopes and other hillsides.
f. Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.
g. Archaeological sites and historical buildings.
h. Habitat of threatened and endangered species

5. The minimum habitable floor area for each dwelling unit in the PW District shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

G. Subdistricts.

1. There shall be three established subdistricts within the Planned Waterfront District:

a. PW-a: Northern Waterfront Subdistrict.
b. PW-b: Central Waterfront — Transit-Oriented Subdistrict.
c. PW-c: Central Waterfront — Hillside Subdistrict.

2. The permitted uses and bulk requirements may differ among the districts and are set forth in Appendixes A and B.[5] The subdistricts shall be mapped on the Village Zoning Map.[6][5]Appendix A, Use Tables, and Appendix B, Bulk Requirements, are both included at the end of this chapter.[6] Editor's Note: The Zoning Map is on file in the offices of the Building Inspector.

H. Affordable housing. An applicant for a residential use in the Planned Waterfront District, or any subdistrict thereof, must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

I. Planned Waterfront special permit:

1. Purpose. Numerous contiguous lots in the Planned Waterfront District have common ownership, but are not officially assembled. Keeping those properties in common ownership will help promote the objectives of the waterfront zoning by allowing greater flexibility in site plans. These larger sites will be able to accommodate additional densities and provide more amenities to the Village than smaller, separate lots would be able to provide. Developing a planned waterfront will further the objectives outlined in the Comprehensive Plan by promoting assemblages of parcels that create opportunities for transit-oriented development surrounding the Metro-North station and Ossining Dock by in-filling parcels with diverse land uses. The purpose of this subsection is to allow the granting of a special permit that, in exchange for the provision of certain amenities, will allow increased densities for particular developments meeting the criteria below.

2. Eligibility. Applications can be made for a special permit allowing for increased density in the Planned Waterfront Districts based on the procedures outlined in Article XI for parcels comprised of at least three acres. Contiguous or adjacent lots (even if separated by a public road) where the aggregate area of such lots is at least three acres and development of such lots is proposed in one integrated site plan shall qualify for such special permit.

3. As part of the site plan for the planned development, the applicant must include the following:

a. Lots under the same ownership that are part of this special permit application shall be combined and considered as one lot.
b. Provision of at least one amenity pursuant to Subsection I(4) immediately below.
c. Provision of affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

4. Density bonus incentives. An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B[7] for developments in the PW District in exchange for an applicant providing one or more of the following amenities:

a. Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

b. Provision of public park or public open space: committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means such as covenants and deed restrictions. [Amended 8-2-2011 by L.L. No. 3-2011]

c. Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

d. Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

e. Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

f. Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board

g. Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

h. Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams [7] Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

5. The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.[8] [8] Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter

6. The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

7. In awarding a bonus for the amenities listed above, the Planning Board shall:

a. Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

b. Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;

c. Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

8. The provision of public park or public open space pursuant to § 270-23I(4)(b) shall not reduce the lot area for the purposes of determining allowable density. [Added 7-17-2012 by L.L. No. 5-2012]

PREVIOUS OWNERS & OPERATORS LIST
Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Year	Contact Information N/A Water Street (Tax ID 89.19-6-26) Owner	Status	Relation to Requestor
1860 – Unknown	Westchester Lighting Gas Manufacturing Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
12/26/1957	Village of Ossining **Address:** 16 Croton Avenue **Phone:** (914) 941-3554 Ossining, NY 10562	Active	Parties to a Land Disposition Agreement
	Operator		
1881 – 1924	Multiple buildings on lot, purpose of which are unclear.	N/A	None
1931 - 1971	Vacant	N/A	None
1942	Westchester Lighting Gas Manufacturing Co. (Portion of building on lot 27 located on lot 26 – rest of lot appears vacant) **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. (Portion of building on lot 27 located on lot 26 – rest of lot appears vacant) **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
1971 – Present	Ossining Department of Public Works **Address:** 101 NY-9A #2 **Phone:** (914) 941-4660 Ossining, NY 10562	Active	Current Operator

PREVIOUS OWNERS & OPERATORS LIST
Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

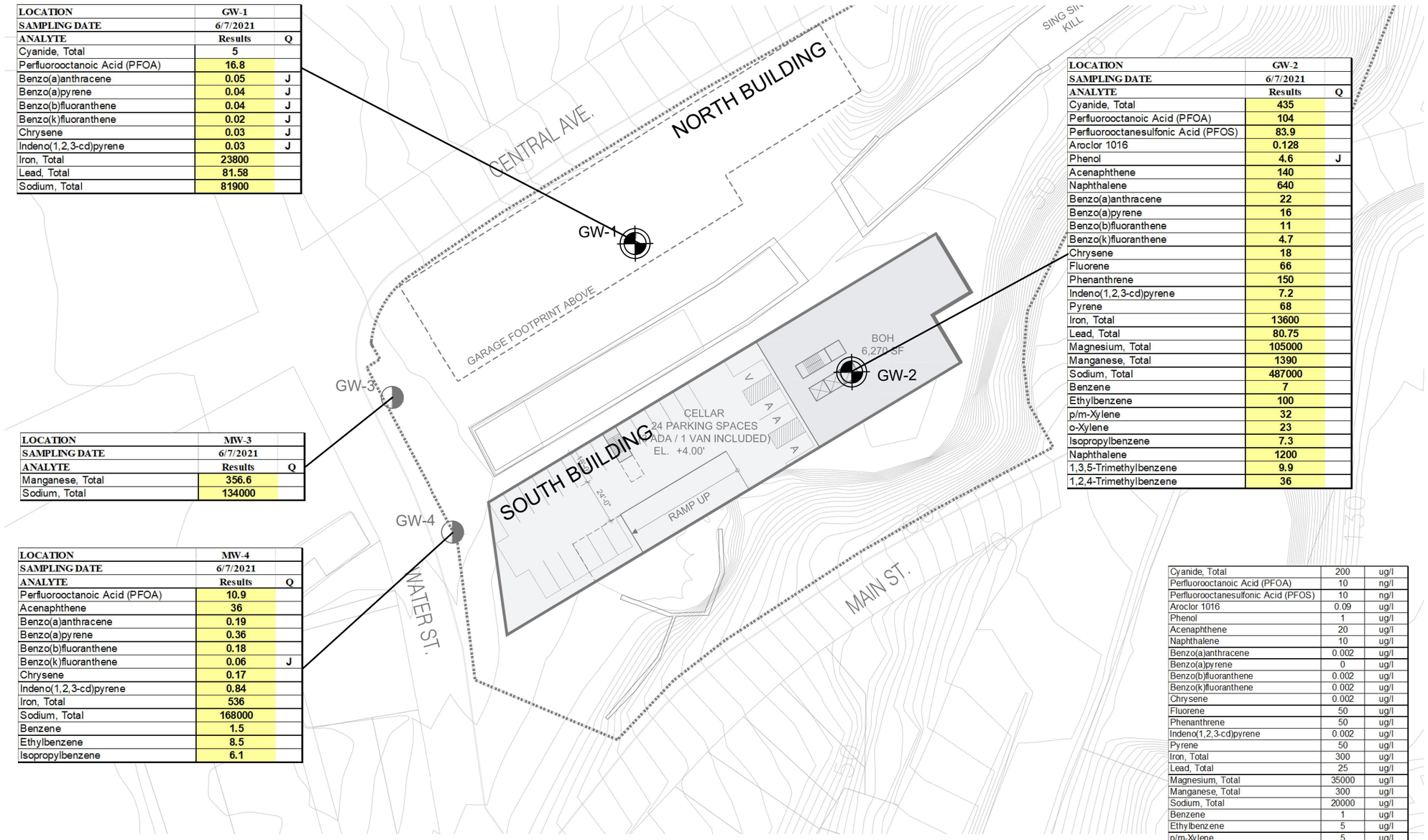
Year	Contact Information Central Avenue (Tax ID 89.19-6-27) Owner	Status	Relation to Requestor
Unknown - 1899	Hannah Rigby **Address**: Unknown **Phone**: Unknown	N/A	None
1899 - 1903	Mary Hill **Address**: Unknown **Phone**: Unknown	N/A	None
1903 – 1923	Anna E. Terwilliger **Address**: Unknown **Phone**: Unknown	N/A	None
1923 – Unknown	Northern Westchester Lighting Company **Address**: Unknown **Phone:** Unknown	Inactive	None
Unknowm-1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
12/26/1957 – Present	Village of Ossining **Address:** 16 Croton Avenue **Phone:** (914) 941-3554 Ossining, NY 10562	Active	Parties to a Land Disposition Agreement
	Operator		
1868	Issac Terwilliger Sash, Blind and Door Maker **Address:** Unknown **Phone:** Unknown	Inactive	None
1886	Terwilliger Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
1891	Terwilliger & Allison Sash Doors Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
1897	L. Terwilliger Sash Doors Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
1903	Terwilliger Sash Doors Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
1911	Terwilliger's Son Sash and Door Business **Address:** Unknown **Phone:** Unknown	Inactive	None
1924	Vacant	N/A	None
1942	Westchester Lighting Gas Manufacturing Co. **Address**: Unknown **Phone**: Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
1971 - Present	Ossining Department of Public Works **Address:** 101 NY-9A #2 **Phone:** (914) 941-4660 Ossining, NY 10562	Active	Current Operator

PREVIOUS OWNERS & OPERATORS LIST
Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Year	Contact Information N/A Water Street (Tax ID 89.19-6-28) Owner	Status	Relation to Requestor
1885 - 1901	Sing Sing Gas Manufacturing Co. **Address:** Unknown **Phone:** Unknown	Inactive	None
1901 – Unknown	Ossining Light, Heat and Power **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown – 1923	William E. Haffand **Address:** Unknown **Phone:** Unknown	N/A	None
1923 – Unknown	Northern Westchester Lighting Company **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
12/26/1957 – Present	Village of Ossining **Address:** 16 Croton Avenue **Phone:** (914) 941-3554 Ossining, NY 10562	Active	Parties to a Land Disposition Agreement
	Operator		
1855- 1929	Historical Manufactured Gas Plant Operations	N/A	None
1893	Sing Sing Gas Works and Sing Sing Gas Manufacturing Company **Address:** Unknown **Phone:** Unknown	Inactive	None
1905 - 1924	Northern Westchester Lighting Company **Address:** Unknown **Phone:** Unknown	Inactive	None
1942	Westchester Lighting Co. Gas Plant **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
1971 – present	Ossining Department of Public Works **Address:** 101 NY-9A #2 **Phone:** (914) 941-4660 Ossining, NY 10562	Active	Current Operator

PREVIOUS OWNERS & OPERATORS LIST
Ossining Gas Works DPW Site
Water Street and Central Avenue
Village of Ossining, New York 10562

Year	Contact Information N/A Central Avenue (Tax ID 89.19-6-29) Owner	Status	Relation to Requestor
Unknown - 1922	The Jarl Company **Address:** Unknown **Phone:** Unknown	Inactive	None
1922 – Unknown	Northern Westchester Lighting Company **Address:** Unknown **Phone:** Unknown	Inactive	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
1957 - Present	Village of Ossining **Address:** 16 Croton Avenue **Phone:** (914) 941-3554 Ossining, NY 10562	Active	Parties to a Land Disposition Agreement
	Operator		
1881	Terwillinger & Allison Gasn. Doors **Address:** Unknown **Phone:** Unknown	Inactive	None
1903	TeriMilde **Address:** Unknown **Phone:** Unknown	N/A	None
1924 - 1948	Vacant	N/A	None
Unknown - 1957	Consolidated Edison Company of New York, Inc. **Address**: 4 Irving Place **Phone:** 1(800) 752-6633 New York, New York 10003	Active	None
1971 – Present	Ossining Department of Public Works **Address:** 101 NY-9A #2 **Phone:** (914) 941-4660 Ossining, NY 10562	Active	Current Operator



LOCATION	GW-1	
SAMPLING DATE	6/7/2021	
ANALYTE	Results	Q
Cyanide, Total	5	
Perfluorooctanoic Acid (PFOA)	16.8	
Benzo(a)anthracene	0.05	J
Benzo(a)pyrene	0.04	J
Benzo(b)fluoranthene	0.04	J
Benzo(k)fluoranthene	0.02	J
Chrysene	0.03	J
Indeno(1,2,3-cd)pyrene	0.03	J
Iron, Total	23800	
Lead, Total	81.58	
Sodium, Total	81900	

LOCATION	GW-2	
SAMPLING DATE	6/7/2021	
ANALYTE	Results	Q
Cyanide, Total	435	
Perfluorooctanoic Acid (PFOA)	104	
Perfluorooctanesulfonic Acid (PFOS)	83.9	
Aroclor 1016	0.128	
Phenol	4.6	J
Acenaphthene	140	
Naphthalene	640	
Benzo(a)anthracene	22	
Benzo(a)pyrene	16	
Benzo(b)fluoranthene	11	
Benzo(k)fluoranthene	4.7	
Chrysene	18	
Fluorene	66	
Phenanthrene	150	
Indeno(1,2,3-cd)pyrene	7.2	
Pyrene	68	
Iron, Total	13600	
Lead, Total	80.75	
Magnesium, Total	105000	
Manganese, Total	1390	
Sodium, Total	487000	
Benzene	7	
Ethylbenzene	100	
p/m-Xylene	32	
o-Xylene	23	
Isopropylbenzene	7.3	
Naphthalene	1200	
1,3,5-Trimethylbenzene	9.9	
1,2,4-Trimethylbenzene	36	

LOCATION	MW-3	
SAMPLING DATE	6/7/2021	
ANALYTE	Results	Q
Manganese, Total	356.6	
Sodium, Total	134000	

LOCATION	MW-4	
SAMPLING DATE	6/7/2021	
ANALYTE	Results	Q
Perfluorooctanoic Acid (PFOA)	10.9	
Acenaphthene	36	
Benzo(a)anthracene	0.19	
Benzo(a)pyrene	0.36	
Benzo(b)fluoranthene	0.18	
Benzo(k)fluoranthene	0.06	J
Chrysene	0.17	
Indeno(1,2,3-cd)pyrene	0.84	
Iron, Total	536	
Sodium, Total	168000	
Benzene	1.5	
Ethylbenzene	8.5	
Isopropylbenzene	6.1	

Cyanide, Total	200	ug/l
Perfluorooctanoic Acid (PFOA)	10	ng/l
Perfluorooctanesulfonic Acid (PFOS)	10	ng/l
Aroclor 1016	0.09	ug/l
Phenol	1	ug/l
Acenaphthene	20	ug/l
Naphthalene	10	ug/l
Benzo(a)anthracene	0.002	ug/l
Benzo(a)pyrene	0	ug/l
Benzo(b)fluoranthene	0.002	ug/l
Benzo(k)fluoranthene	0.002	ug/l
Chrysene	0.002	ug/l
Fluorene	50	ug/l
Phenanthrene	50	ug/l
Indeno(1,2,3-cd)pyrene	0.002	ug/l
Pyrene	50	ug/l
Iron, Total	300	ug/l
Lead, Total	25	ug/l
Magnesium, Total	35000	ug/l
Manganese, Total	300	ug/l
Sodium, Total	20000	ug/l
Benzene	1	ug/l
Ethylbenzene	5	ug/l
p/m-Xylene	5	ug/l
o-Xylene	5	ug/l
Isopropylbenzene	5	ug/l
Naphthalene	10	ug/l
1,3,5-Trimethylbenzene	5	ug/l
1,2,4-Trimethylbenzene	5	ug/l

NOTE:
THIS PLAN IS FOR LOCATING BORINGS ONLY.
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

LEGEND:

GW-1 - APPROXIMATE LOCATION AND NUMBER OF PROPOSED MONITORING WELL

GW-3 - APPROXIMATE LOCATION AND NUMBER OFEXISTING MONITORING WELL

6.1 - EXCEEDS NY-AWQS

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REFERENCE
SITE AND PROPOSED BUILDING LAYOUT TAKEN FROM "CELLAR FLOOR PLAN"
PREPARED BY WILDER BALTER PARTNERS, DATED MAY 25, 2021.

SCALE: 1"=100'
0 100 200

dwg by: aas
chk by: SSG
scale: AS NOTED
date: 07/01/2021

SESI CONSULTING ENGINEERS
CERT. OF AUTH. # 24GA27934700
SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL
12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

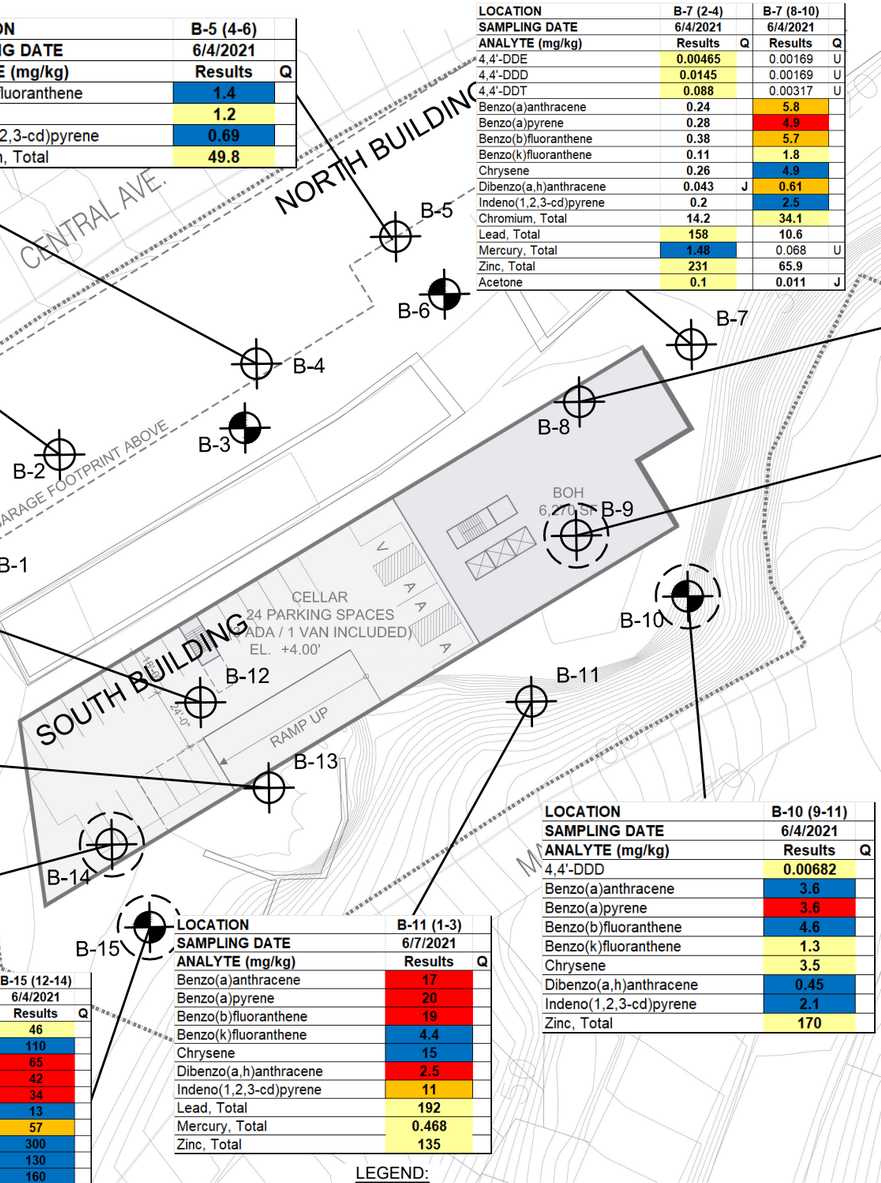
project: PROPOSED RESIDENTIAL DEVELOPMENT
OSSINING DPW SITE
OSSINING, NY

title: GROUNDWATER SAMPLING RESULTS PLAN

job no: 11498
drawing no:

FIG-3.2

N:\ACAD\11498\CAD\11498 – FIG-3.1 – 3.3 SAMPLE LOCATION PLAN.DWG 07/02/21 03:36:06PM, jenny, LAYOUT:FIG-3.2



LOCATION	B-4 (2-4)		B-4 (12-14)	
SAMPLING DATE	6/4/2021		6/4/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q
4,4'-DDT	0.00357		0.00342	U
Chromium, Total	31.9		16.1	
Zinc, Total	129		40.2	
Acetone	0.013	U	0.061	

LOCATION	B-2 (7-9)	
SAMPLING DATE	6/4/2021	
ANALYTE (mg/kg)	Results	Q
Lead, Total	298	
Mercury, Total	0.692	
Zinc, Total	253	
Acetone	0.12	

LOCATION	B-12 (2-4)		B-12 (12-14)	
SAMPLING DATE	6/7/2021		6/7/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q
Acenaphthene	1.6	J	39	
Benzo(a)anthracene	37		12	
Benzo(a)pyrene	51		9.9	
Benzo(b)fluoranthene	60		8.3	
Benzo(k)fluoranthene	16		2	
Chrysene	34		10	
Dibenzo(a,h)anthracene	7		0.93	
Indeno(1,2,3-cd)pyrene	36		4	
Arsenic, Total	18		0.847	J
Lead, Total	74.2		4.57	
Mercury, Total	0.514		0.069	U
Zinc, Total	463		27.4	
Benzene	6.7		0.07	U
Ethylbenzene	2.3		0.55	
Xylenes, Total	2.9		0.41	J
Naphthalene	8		70	
1,2,4-Trimethylbenzene	2.1		5.8	

LOCATION	B-13 (3-5)		B-13 (9-11)	
SAMPLING DATE	6/4/2021		6/4/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q
Benzo(a)anthracene	3.7		0.022	J
Benzo(a)pyrene	6.6		0.15	U
Benzo(b)fluoranthene	5.8		0.12	U
Benzo(k)fluoranthene	2		0.12	U
Chrysene	3.8		0.021	J
Dibenzo(a,h)anthracene	0.81		0.12	U
Indeno(1,2,3-cd)pyrene	3.2		0.15	U
Lead, Total	319		6.03	
Mercury, Total	0.608		0.075	U
Zinc, Total	137		46.9	
Acetone	0.023		0.06	

LOCATION	B-14 (11-13)		B-14 (17-19)		B-14 (24-26)	
SAMPLING DATE	6/4/2021		6/4/2021		6/4/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q	Results	Q
Acenaphthene	42		57		140	
Fluoranthene	16		21		58	
Benzo(a)anthracene	7.6		10		34	
Benzo(a)pyrene	5.6		7.8		22	
Benzo(b)fluoranthene	3.8		5.8		18	
Benzo(k)fluoranthene	1.8	J	2	J	5.6	
Chrysene	6.6		9.1		28	
Fluorene	18		26		65	
Phenanthrene	55		72		200	
Dibenzo(a,h)anthracene	0.52	J	0.62	J	1.9	J
Indeno(1,2,3-cd)pyrene	1.8	J	2.6	J	6.8	
Dibenzofuran	2.1	J	2.8	J	7.1	
Benzene	0.3	J	1.8	U	0.12	
Ethylbenzene	5.6		28		2.5	
Xylenes, Total	1.4	J	27		0.43	J
Naphthalene	790		2100		17	
1,3,5-Trimethylbenzene	14		13		0.13	J
1,2,4-Trimethylbenzene	37		43		1.2	

LOCATION	B-5 (4-6)	
SAMPLING DATE	6/4/2021	
ANALYTE (mg/kg)	Results	Q
Benzo(b)fluoranthene	1.4	
Chrysene	1.2	
Indeno(1,2,3-cd)pyrene	0.69	
Chromium, Total	49.8	

LOCATION	B-15 (12-14)	
SAMPLING DATE	6/4/2021	
ANALYTE (mg/kg)	Results	Q
Acenaphthene	46	
Fluoranthene	110	
Benzo(a)anthracene	65	
Benzo(a)pyrene	42	
Benzo(b)fluoranthene	34	
Benzo(k)fluoranthene	13	
Chrysene	57	
Acenaphthylene	300	
Anthracene	130	
Fluorene	160	
Phenanthrene	450	
Dibenzo(a,h)anthracene	3.7	
Indeno(1,2,3-cd)pyrene	13	
Pyrene	160	
Dibenzofuran	18	
Copper, Total	54.3	
Zinc, Total	184	
Benzene	190	
Toluene	450	
Ethylbenzene	260	
Xylenes, Total	570	
Naphthalene	5500	
n-Propylbenzene	7.9	J
1,3,5-Trimethylbenzene	61	
1,2,4-Trimethylbenzene	190	

LOCATION	B-7 (2-4)		B-7 (8-10)	
SAMPLING DATE	6/4/2021		6/4/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q
4,4'-DDE	0.00465		0.00169	U
4,4'-DDD	0.0145		0.00169	U
4,4'-DDT	0.088		0.00317	U
Benzo(a)anthracene	0.24		5.8	
Benzo(a)pyrene	0.28		4.9	
Benzo(b)fluoranthene	0.38		5.7	
Benzo(k)fluoranthene	0.11		1.8	
Chrysene	0.26		4.9	
Dibenzo(a,h)anthracene	0.043	J	0.61	
Indeno(1,2,3-cd)pyrene	0.2		2.5	
Chromium, Total	14.2		34.1	
Lead, Total	158		10.6	
Mercury, Total	1.48		0.068	U
Zinc, Total	231		65.9	
Acetone	0.1		0.011	J

LOCATION	B-10 (9-11)	
SAMPLING DATE	6/4/2021	
ANALYTE (mg/kg)	Results	Q
4,4'-DDD	0.00682	
Benzo(a)anthracene	3.6	
Benzo(a)pyrene	3.6	
Benzo(b)fluoranthene	4.6	
Benzo(k)fluoranthene	1.3	
Chrysene	3.5	
Dibenzo(a,h)anthracene	0.45	
Indeno(1,2,3-cd)pyrene	2.1	
Zinc, Total	170	

LOCATION	B-11 (1-3)	
SAMPLING DATE	6/7/2021	
ANALYTE (mg/kg)	Results	Q
Benzo(a)anthracene	17	
Benzo(a)pyrene	20	
Benzo(b)fluoranthene	19	
Benzo(k)fluoranthene	4.4	
Chrysene	15	
Dibenzo(a,h)anthracene	2.5	
Indeno(1,2,3-cd)pyrene	11	
Lead, Total	192	
Mercury, Total	0.468	
Zinc, Total	135	

LOCATION	B-8 (5-7)	
SAMPLING DATE	6/4/2021	
ANALYTE (mg/kg)	Results	Q
Benzo(a)anthracene	10	
Benzo(a)pyrene	15	
Benzo(b)fluoranthene	18	
Benzo(k)fluoranthene	4.5	
Chrysene	9.2	
Dibenzo(a,h)anthracene	2.3	
Indeno(1,2,3-cd)pyrene	11	
3-Methylphenol/4-Methylphenol	0.38	J
Arsenic, Total	31.5	
Copper, Total	95.4	
Lead, Total	317	
Mercury, Total	2.3	
Selenium, Total	54.7	
Zinc, Total	239	

LOCATION	B-9 (5-7)		B-9 (13-15)	
SAMPLING DATE	6/7/2021		6/7/2021	
ANALYTE (mg/kg)	Results	Q	Results	Q
Aroclor 1016	0.339		0.0348	U
Acenaphthene	0.055	J	88	
Benzo(a)anthracene	0.65		30	
Benzo(a)pyrene	0.7		24	
Benzo(b)fluoranthene	1.1		18	
Benzo(k)fluoranthene	0.32		5.5	
Chrysene	0.86		26	
Fluorene	0.075	J	46	
Phenanthrene	0.63		160	
Dibenzo(a,h)anthracene	0.11		2.4	J
Indeno(1,2,3-cd)pyrene	0.53		8.4	
Benzene	0.0035		0.31	J
Ethylbenzene	0.0014	U	18	
Xylenes, Total	0.0014	U	11	
Acetone	0.086		11	U
Naphthalene	0.0011	J	430	
1,2,4-Trimethylbenzene	0.0028	U	9.7	

ANALYTE (mg/kg)	USCO	RRSCO	CSCO	ISCO
4,4'-DDE	0.0033	8.9	62	120
4,4'-DDD	0.0033	13	92	180
4,4'-DDT	0.0033	7.9	47	94
Dibenzofuran	7	59	350	1000
Aroclor 1016	0.1	1	1	25
Acenaphthene	20	100	500	1000
Acenaphthylene	20	100	500	1000
Fluoranthene	100	100	500	1000
Benzo(a)anthracene	1	1	5.6	11
Benzo(a)pyrene	1	1	1	1.1
Benzo(b)fluoranthene	1	1	5.6	11
Benzo(k)fluoranthene	0.8	3.9	56	110
Chrysene	1	3.9	56	110
Acenaphthylene	100	100	500	1000
Anthracene	100	100	500	1000
Benzo(ghi)perylene	100	100	500	1000
Fluorene	30	100	500	1000
Phenanthrene	100	100	500	1000
Dibenzo(a,h)anthracene	0.33	0.33	0.56	1.1
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11
Pyrene	100	100	500	1000
3-Methylphenol/4-Methylphenol	0.33	100	500	1000
Arsenic, Total	13	16	16	16
Chromium, Total	30	180	1500	6800
Copper, Total	50	270	270	10000
Lead, Total	63	400	1000	3900
Mercury, Total	0.18	0.81	2.8	5.7
Selenium, Total	3.9	180	1500	6800
Zinc, Total	109	10000	10000	10000
Benzene	0.06	4.8	44	89
Toluene	0.7	100	500	1000
Ethylbenzene	1	41	390	780
Xylenes, Total	0.26	100	500	1000
Acetone	0.05	100	500	1000
Naphthalene	12	100	500	1000
n-Propylbenzene	3.9	100	500	1000
1,3,5-Trimethylbenzene	8.4	52	190	380
1,2,4-Trimethylbenzene	3.6	52	190	380

LEGEND:

- CIRCLED BORINGS ENCOUNTERED FREE PETROLEUM PRODUCT
- B-2 - APPROXIMATE LOCATION AND NUMBER OF ENVIRONMENTAL BORINGS
- B-1 - APPROXIMATE LOCATION AND NUMBER OF GEOTECHNICAL BORINGS
- 27 - EXCEEDS USCO STANDARDS
- 300 - EXCEEDS RRSCO STANDARDS
- 1.2 - EXCEEDS CSCO STANDARDS
- 2100 - EXCEEDS ISCO STANDARDS

SCALE: 1"=60'

0 60 120

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REFERENCE
SITE AND PROPOSED BUILDING LAYOUT TAKEN FROM "CELLAR FLOOR PLAN" PREPARED BY WILDER BALTER PARTNERS, DATED MAY 25, 2021.

NOTE:
THIS PLAN IS FOR LOCATING BORINGS ONLY.
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

dwg by: aas
chk by: SSG
scale: AS NOTED
date: 07/15/2021

SESI CONSULTING ENGINEERS
CERT. OF AUTH. # 24GA27934700
SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL
12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

project: PROPOSED RESIDENTIAL DEVELOPMENT
OSSINING DPW SITE
OSSINING, NY

title: SOIL SAMPLING RESULTS PLAN

job no: 11498
drawing no:

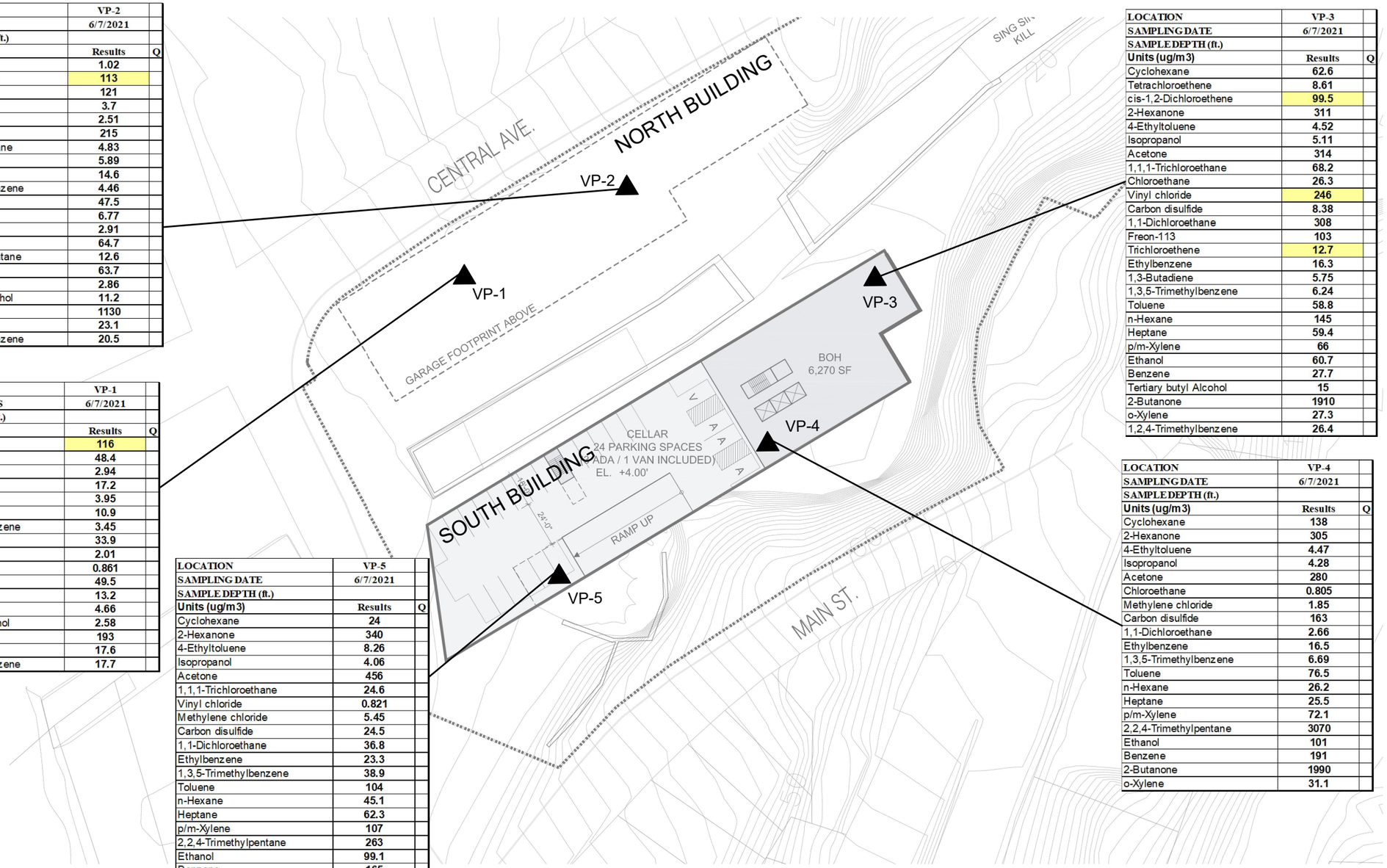
FIG-3.1

N:\ACAD\11498\CAD\11498 – FIG-3.1 – 3.3 SAMPLE LOCATION PLAN.DWG 07/16/21 01:04:33PM, aas, LAYOUT:FIG-3.1

LOCATION	VP-2	
SAMPLING DATE	6/7/2021	
SAMPLE DEPTH (ft.)		
Units (ug/m3)	Results	Q
Cyclohexane	1.02	
Tetrachloroethene	113	
2-Hexanone	121	
4-Ethyltoluene	3.7	
Isopropanol	2.51	
Acetone	215	
1,1,1-Trichloroethane	4.83	
Carbon disulfide	5.89	
Ethylbenzene	14.6	
1,3,5-Trimethylbenzene	4.46	
Toluene	47.5	
n-Hexane	6.77	
Heptane	2.91	
p/m-Xylene	64.7	
2,2,4-Trimethylpentane	12.6	
Ethanol	63.7	
Benzene	2.86	
Tertiary butyl Alcohol	11.2	
2-Butanone	1130	
o-Xylene	23.1	
1,2,4-Trimethylbenzene	20.5	

LOCATION	VP-1	
ALL PLOT TBALES	6/7/2021	
SAMPLE DEPTH (ft.)		
Units (ug/m3)	Results	Q
Tetrachloroethene	116	
2-Hexanone	48.4	
4-Ethyltoluene	2.94	
Acetone	17.2	
Chloroform	3.95	
Ethylbenzene	10.9	
1,3,5-Trimethylbenzene	3.45	
Toluene	33.9	
n-Hexane	2.01	
Heptane	0.861	
p/m-Xylene	49.5	
Ethanol	13.2	
Benzene	4.66	
Tertiary butyl Alcohol	2.58	
2-Butanone	193	
o-Xylene	17.6	
1,2,4-Trimethylbenzene	17.7	

LOCATION	VP-5	
SAMPLING DATE	6/7/2021	
SAMPLE DEPTH (ft.)		
Units (ug/m3)	Results	Q
Cyclohexane	24	
2-Hexanone	340	
4-Ethyltoluene	8.26	
Isopropanol	4.06	
Acetone	456	
1,1,1-Trichloroethane	24.6	
Vinyl chloride	0.821	
Methylene chloride	5.45	
Carbon disulfide	24.5	
1,1-Dichloroethane	36.8	
Ethylbenzene	23.3	
1,3,5-Trimethylbenzene	38.9	
Toluene	104	
n-Hexane	45.1	
Heptane	62.3	
p/m-Xylene	107	
2,2,4-Trimethylpentane	263	
Ethanol	99.1	
Benzene	165	
Tertiary butyl Alcohol	25.4	
2-Butanone	2170	
o-Xylene	62.1	
1,2,4-Trimethylbenzene	49.2	



LOCATION	VP-3	
SAMPLING DATE	6/7/2021	
SAMPLE DEPTH (ft.)		
Units (ug/m3)	Results	Q
Cyclohexane	62.6	
Tetrachloroethene	8.61	
cis-1,2-Dichloroethene	99.5	
2-Hexanone	311	
4-Ethyltoluene	4.52	
Isopropanol	5.11	
Acetone	314	
1,1,1-Trichloroethane	68.2	
Chloroethane	26.3	
Vinyl chloride	246	
Carbon disulfide	8.38	
1,1-Dichloroethane	308	
Freon-113	103	
Trichloroethene	12.7	
Ethylbenzene	16.3	
1,3-Butadiene	5.75	
1,3,5-Trimethylbenzene	6.24	
Toluene	58.8	
n-Hexane	145	
Heptane	59.4	
p/m-Xylene	66	
Ethanol	60.7	
Benzene	27.7	
Tertiary butyl Alcohol	15	
2-Butanone	1910	
o-Xylene	27.3	
1,2,4-Trimethylbenzene	26.4	

LOCATION	VP-4	
SAMPLING DATE	6/7/2021	
SAMPLE DEPTH (ft.)		
Units (ug/m3)	Results	Q
Cyclohexane	138	
2-Hexanone	305	
4-Ethyltoluene	4.47	
Isopropanol	4.28	
Acetone	280	
Chloroethane	0.805	
Methylene chloride	1.85	
Carbon disulfide	163	
1,1-Dichloroethane	2.66	
Ethylbenzene	16.5	
1,3,5-Trimethylbenzene	6.69	
Toluene	76.5	
n-Hexane	26.2	
Heptane	25.5	
p/m-Xylene	72.1	
2,2,4-Trimethylpentane	3070	
Ethanol	101	
Benzene	191	
2-Butanone	1990	
o-Xylene	31.1	

	NY-SSC-A	NY-SSC-B	NY-SSC-C
1,1,1-Trichloroethane		100	
Vinyl chloride			6
Trichloroethene	6		

LEGEND:

VP-1 ▲ - APPROXIMATE LOCATION AND NUMBER OF PROPOSED SOIL VAPOR POINT

12.7 - EXCEEDS NYDOH MATRICES

SCALE: 1"=100'

0 100 200

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REFERENCE
SITE AND PROPOSED BUILDING LAYOUT TAKEN FROM "CELLAR FLOOR PLAN" PREPARED BY WILDER BALTER PARTNERS, DATED MAY 25, 2021.

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dwg by: aas
chk by: SSG
scale: AS NOTED
date: 07/01/2021

SESI CONSULTING ENGINEERS
CERT. OF AUTH. # 24GA27934700
SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL
12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

project: PROPOSED RESIDENTIAL DEVELOPMENT
OSSINING DPW SITE
OSSINING, NY

title: SOIL VAPOR SAMPLING RESULTS PLAN

job no: 11498
drawing no:

FIG-3.3

N:\ACAD\11498\CAD\11498 – FIG–3.1 – 3.3 SAMPLE LOCATION PLAN.DWG 07/01/21 04:37:34PM, jenny, LAYOUT:FIG–3.3

October 3, 2021 | 3:55 pm
COVID-19 Vaccines

Booster doses are now available for eligible New Yorkers, including New Yorkers age 65 and older who got the Pfizer vaccine.
DETAILS >

Department of State
Division of Corporations

Entity Information

Return to Results | Return to Search

Entity Details

ENTITY NAME:
WB 30 WATER STREET, LLC

DOS ID:
6215068

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE:
DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTIONOF LAW:
LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS:
Active

DATE OF INITIAL DOS FILING:
07/02/2021

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING:
07/08/2021

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS:
CURRENT

COUNTY:
Westchester

NEXT STATEMENT DUE DATE:
07/31/2023

JURISDICTION:
New York, United States

NFP CATEGORY:

ENTITY DISPLAY | NAME HISTORY | FILING HISTORY | MERGER HISTORY | ASSUMED NAME HISTORY

Service of Process Name and Address

Name: william balter

Address: 480 bedford road, 300 building, first floor, west wing, CHAPPAQUA, NY, United States, 10514

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Name and Address

Name:

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

WRITTEN CONSENT

The undersigned, being a Member of WB 30 Water Street, LLC, does hereby certify as follows:

1. WB 30 Water Street, LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at the following parcels in the Village of Ossining, Westchester County, New York 10562:

Parcel	Street Address	Tax Parcel Identification No.
1	Water Street	89.19-6-26
2	Central Avenue	89.19-6-27
3	Water Street	89.19-6-28
4	Central Avenue	89.19-6-29

Collectively, the parcels that make up the Site is known as the Ossining Gas Works DPW Site with an address of 30 Water Street, Village of Ossining, Westchester County, New York 10562 (the "BCP" Site), which was formerly a portion of Operable Unit 1 (OU-1), Former Ossining Gas Works Site No. 360172 subject to Consent Order No. 0-20180516-519).

2. The following person, William Balter, the Managing Member of WB 30 Water Street, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer WBP Development LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 17 day of January 2023.

James Wendling
Member of WB 30 Water Street, LLC

D.S.
16.50

U.S.R.P. 16.50

DEC 30 1957

USIR STAMPS
ATTACHED 3

THIS INDENTURE, made the 26th day of December, nineteen hundred and fifty-seven between CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., party of the first part, and the VILLAGE OF OSSINING, a municipal corporation of the State of New York, having its offices at Municipal Building, Ossining, Westchester County, New York, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Fifteen Thousand and 00/100 ($15,000.00) Dollars, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the successors and assigns of the party of the second part forever,

ALL those pieces or parcels of land with the improvements thereon, situate, lying and being in the Village of Ossining, Town of Ossining, County of Westchester, State of New York, bounded and described as follows:

PARCEL 1

BEGINNING at the northeasterly corner of the premises herein described distant 8.08 feet southerly from the southerly side of Central Avenue as laid out in June 1860, said point of beginning being located in the division line between premises herein described and land formerly of Northern Westchester Lighting Company; running thence along said land formerly of Northern Westchester Lighting Company south 20° 14' 30" east 23.42 feet to other land formerly of Northern Westchester Lighting Company; running thence along said land south 67° 05' 00" west 91.65 feet to land conveyed by Bridget Bowe to the Village of Sing Sing (now Ossining); running thence along said land north 23° 36' 00" west 7.92 feet to a point; running thence on a curve to the right having a radius of 50 feet for a distance of 24.77 feet to the

27.38

northerly side of land conveyed by the Village of Sing Sing (now Ossining) to Bridget Bowe by deed dated December 1, 1877 and recorded January 15, 1878 in Liber 944 of Deeds at Page 220; running thence along the northerly side of land as described in said deed north 65° 54' 20" east 19.28 feet, and north 68° 24' 20" east 55.32 feet to the point and place of beginning.

Also all the right, title and interest of Consolidated Edison Company of New York, Inc. in and to all that piece or parcel of land situate, lying and being in the Town and Village of Ossining, County of Westchester, State of New York, bounded and described as follows:

BEGINNING at a point in the southerly side of Central Avenue as laid out in June 1860, said point of beginning being in the division line between property being described and land formerly of Northern Westchester Lighting Company; running thence along land formerly of Northern Westchester Lighting Company south 20° 14' 30" east 8.08 feet to the northerly side of land conveyed by the Village of Sing Sing (now Ossining) to Bridget Bowe by deed dated December 1, 1877 and recorded January 15, 1878 in Liber 944 of Deeds at Page 220; running thence along the northerly side of land as described in said deed south 68° 24' 20" west 55.32 feet and south 65° 54' 20" west 19.28 feet; thence on a curve to the right having a radius of 50 feet for a distance of 22.71 feet to the southerly side of Central Avenue as laid out in June 1860; running thence along Central Avenue so described north 65° 28' 00" east 53.16 feet to the point and place of beginning.

It being intended by the foregoing description to describe the property conveyed to Northern Westchester Lighting

Company by John S. Barrett and Alice M. Barrett, his wife, by deed dated June 15, 1926, and recorded in Westchester County Clerk's Office (Division of Land Records) in Liber 2672 at Page 453 on June 18, 1926.

PARCEL 2

BEGINNING at a point in the easterly side of Water Street by land formerly belonging to John S. Barrett and running thence north 67° 05' 20" east along said land of Barrett 100 feet to the southeasterly corner of said Barrett's land; thence still along said Barrett's land north 20° 14' 30" west 31.50 feet to the southerly side of Central Avenue thence running along the southerly side of Central Avenue north 65° 28' east 253.11 feet to land formerly belonging to the Northern Westchester Lighting Company; thence running along said land south 3° 18' 20" east 88.18 feet to the center of a brook known as the Sing Sing Kill; thence running along the center of said Sing Sing Kill the following courses and distances: South 53° 29' 10" west 50.07 feet, south 58° 22' 10" west 72.23 feet, south 62° 24' 20" west 28.90 feet, and south 66° 58' west 179.28 feet to the easterly side of Water Street and running thence north 20° 14' 30" west along the easterly side of Water Street 69.97 feet to the point and place of beginning.

It being intended by the foregoing description to describe the property conveyed to Northern Westchester Lighting Company by Anna E. Terwilliger by deed dated September 7, 1923, and recorded in Westchester County Clerk's Office (Division of Land Records) in Liber 2450 of Deeds at Page 356 on September 8, 1923.

PARCEL 3

BEGINNING at a point on the southerly side of Central Avenue at the center of the Sing Sing Kill as it existed

on January 14, 1922, running thence southwesterly along the southerly side of Central Avenue to the boundary line between the premises hereby conveyed and the premises formerly of Anna E. Terwilliger; running thence southerly along said lands formerly of Terwilliger to the said center line of Sing Sing Kill; thence running northeasterly along the said center line of Sing Sing Kill, so existing, to the point or place of beginning.

It being intended by the foregoing description to describe the property conveyed to Northern Westchester Lighting Company by The Jarl Company by deed dated January 14, 1922, and recorded in Westchester County Clerk's Office (Division of Land Records) in Liber 2344 of Deeds at Page 407 on January 17, 1922.

PARCEL 4

BEGINNING at the intersection of the easterly side of Water Street with the center line of the Kill Brook as the same existed on June 3, 1901, distant 9 feet 6 inches east of the Brick Bridge, as it then existed, over said stream, thence running north 67° 45' east up the center of said Brook as it then existed 225 feet; thence north 57° 48' east 186 feet to the center of the Mill Dam as it existed June 3, 1901; thence north 60° 29' east 148 feet up the center of the pond; thence north 32° 24 East 127 feet to a rock being the head of said pond as it existed on June 3, 1901; thence northerly passing under the new Central Avenue Culvert as it existed June 3, 1901, 73 feet to the site of the Old Birch Tree mentioned in the old deeds, said tree being 4 feet west and 16 feet north of the east wall of the Culvert as it then existed; thence by the westerly side of said Kill Brook as it existed June 3, 1901, and lands, formerly of Daniel Delavan, north 19° 15' east 74 feet; thence south 88° east 77 feet; thence north 63° 45' east 43 feet to the face of a dam as it existed

June 3, 1901, belonging to Sing Sing Gas Manufacturing Company; thence north 45° 40' east 165 feet to a point opposite a large boulder in the center of the Brook mentioned in the Buckhout deed; thence crossing to the east bank of the Brook as it existed June 3, 1901; thence southwesterly down the same 65 feet to land formerly of Duvel; thence easterly up the bank by said Duvel line 50 feet to land formerly of Francis Larkin; thence southwesterly by said land of Larkin 128 feet to a point 40 feet east of said Brook and one foot nine inches west of Central Avenue as it then existed; thence still southwesterly 60 feet to a point 13 feet west of said Central Avenue and lot formerly of Taylor; thence southwesterly along said lot 44 feet; thence southeasterly 17 feet to Central Avenue Bridge as it existed June 3, 1901; thence westerly 20 feet; thence running southerly crossing said bridge 49 feet 6 inches to a point 13 feet west from the end of the coping to a stake; thence running south 21° 54' west 60 feet by the land reserved by W. Buckhout; thence still by said land south 29° 39' west 65 feet; thence south 34° 50' west 150 feet to a point 20 feet west of the wall as it then existed at Capt. Wm. Buckhout's house lot at High Street and land formerly of Azariah Carpenter; thence by said Carpenter's lot north 58° 20' west 41 feet; thence south 78° 20' west 39 feet; thence south 55° 24' west 52 feet to land now or formerly of John Hyland; thence north 58° 20' west 28 feet 6 inches to the corner of a fence as existing June 3, 1901; thence south 36° west 77 feet and 3 inches; thence south 45° 36' west 26 feet to the southwest corner of said land of Hyland; thence south 18° 36' east 56 feet 6 inches to High Street; thence south 67° 54' west by said street 63 feet to the lot now or formerly of Wm. Haff; thence north 19° 36' west 53 feet to a point 23 feet 6 inches south of the Brick retort House and 22 feet 6 inches east of the gas

holder tank as said house and tank existed June 3, 1901; thence north 73° west 47 feet to land formerly of Stephen Colyer; thence north 54° 25' west 40 feet by the face of the rock; thence north 48° 10' west 27 feet; thence south 79° west 16 feet 6 inches to an Elm tree as existing June 3, 1901; thence south 56° 20' west 23 feet 5 inches; thence south 43° 5' west 60 feet to a corner 4 feet south of the range of Stephen Colyer's house as it then existed; thence south 33° 10' east 74 feet 6 inches to High Street at a point 4 feet south of the range of said house and 6 feet in front of said house; thence along High Street south 84° 30' west 62 feet 8 inches; thence north 59° 30' west 82 feet 3 inches to Water Street; thence north along Water Street 75 feet 6 inches; thence still along Water Street 33 feet 6 inches to the center of Kill Brook and the place of beginning.

Excepting and reserving out of said land the right reserved in the deed of Daniel Quimby to the Sing Sing Gas Company, namely, the right to erect a building over any part of the Sing Sing Kill to the whole width thereof from Water Street 150 feet easterly up said Kill, and a right of way from said Water Street on the southerly side of said Kill and running easterly 150 feet, and also to raise the Mill Dam one foot, if still in force and effect.

Excepting therefrom the premises conveyed by the Sing Sing Gas Manufacturing Company to the President and Trustees of the Village of Sing Sing by deed dated October 16, 1882, and recorded in the office of the Register of Westchester County in Liber 1020 of Deeds at Page 203 on February 5, 1885.

It being intended by the foregoing description to describe all of the property conveyed to Ossining Heat, Light and Power Company by Sing Sing Gas Manufacturing Company by deed dated June 3, 1901 and recorded in Westchester County

Clerk's Office (Division of Land Records) in Liber 1584 of Deeds at Page 54 on June 5, 1901.

PARCEL 5

BEGINNING at the southeast corner of the hereby conveyed lot at High Street adjoining land formerly of Sing Sing Gas Company; thence running westerly by High Street 52 feet 6 inches to a point 3 feet west of a carpenter shop as it existed July 19, 1923; thence running northerly by land formerly of Daniel Quimby 50 feet to an elder bush as it then existed; thence easterly 10 feet to land formerly of Sing Sing Gas Company; continuing 47 feet more or less by said Gas Company's land to a point; thence southerly 50 feet by said Gas Company's land to the place of beginning.

It being intended by the foregoing description to describe all of the property conveyed to Northern Westchester Lighting Company by William E. Haff and others by deed dated July 19, 1923 and recorded in Westchester County Clerk's Office (Division of Land Records) in Liber 2450 of Deeds at Page 343 on August 25, 1923.

PARCEL 6

BEGINNING at a point on the northerly side of High Street at the southeasterly corner of land formerly of Northern Westchester Lighting Company, and at the southwesterly corner of the premises being described, running thence along said land of Northern Westchester Lighting Company north 36° west 74.6 feet to the site of an old post at a corner; thence still along said land of Northern Westchester Lighting Company, the same being a portion of land conveyed by Stephen Collyer and wife to Sing Sing Gas Manufacturing Company by deed dated June 12, 1867 and recorded in Liber 641 of Deeds at Page 241, Records of Westchester County on June 17, 1867, the following courses and distances: North 43° west 60 feet,

north 56° 26' east 23.5, north 79° east 16.6 feet, and south 48° 10' east 27 feet to land conveyed by Reuben Quimby and wife to Sing Sing Gas Manufacturing Company, being part of the premises formerly owned by Northern Westchester Lighting Company; thence along the last mentioned land south 54° 25' east 40 feet to the location of an iron post and to land now or late of William Haff; thence westerly along land now or late of William Haff 9 feet more or less to the northwesterly corner of the last mentioned land; thence southerly along the westerly side of said land now or late of William Haff 50 feet more or less to the northerly side of High Street aforesaid; thence westerly along the northerly side of High Street 108 feet more or less, to the place of beginning.

It being intended by the foregoing description to describe all of the property conveyed to Northern Westchester Lighting Company by Estate of Francis Larkin by deed dated July 3, 1906, and recorded in Westchester County Clerk's Office (Division of Land Records) in Liber 1759 of Deeds at Page 475, on July 6, 1906.

Be the courses and distances in all of the foregoing parcels more or less.

TOGETHER with all right, title and interest of the party of the first part in and to any and all gores or strips of land between or adjoining the above described parcels.

TOGETHER with all right, title and interest, if any, except franchise rights, of the party of the first part of, 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 successors and assigns of the party of the second part forever.

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.

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

In presence of

O. H. Blackburn

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

By

L. A. Scofield

Sr. Vice President

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the 26th day of December, 1957, before me personally came L. A. Scofield, to me known, who, being by me duly sworn did depose and say that he resides at No. 949 Palmer Road, Yonkers, N.Y. that he is a Sr. Vice President of CONSOLIDATED EDISON COMPANY, the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Trustees of said corporation, and that he signed his name thereto by like order.

Mildred Spragne

MILDRED SPRAGUE
Notary Public, State of New York
No. 60-3786400
Qualified in Westchester County
Term expires March 30, 1959

The foregoing instrument was endorsed for record as follows: The property affected by this instrument is situate in the TOWN OF OSSINING
County of Westchester, N. Y. A true copy of the original DEED
RECORDED DEC. 30, 1957 at 1:43 PM at request of INTER-COUNTY T. G. & M. CO.

FEE: $ 14.50 No. 51131

EDWARD L. WARREN, County Clerk

WB 30 Water Street, LLC

480 BEDFORD ROAD, CHAPPAQUA, N.Y. 10514-1715 (914)347-3333 FAX:(914)909-7328

The Village of Ossining
c/o Karen D'Attore, Village Manager
16 Croton Avenue
Ossining, New York 10562

Re: Site Access to Perform Brownfield Cleanup Program Work
Ossining Gas Works DPW Site
30 Water Street, Village of Ossining, Westchester County, New York 10562

Dear Ms. D'Attore:

WB 30 Water Street, LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following parcels in the Village of Ossining, Westchester County, New York 10562:

Parcel	Street Address	Tax Parcel Identification No.
1	Water Street	89.19-6-26
2	Central Avenue	89.19-6-27
3	Water Street	89.19-6-28
4	Central Avenue	89.19-6-29

Collectively, the parcels that make up the Site is known as the Ossining Gas Works DPW Site with an address of 30 Water Street, Village of Ossining, Westchester County, New York 10562 (the "BCP" Site), which was formerly a portion of Operable Unit 1 (OU-1), Former Ossining Gas Works Site No. 360172 subject to Consent Order No. 0-20180516-519) between Consolidated Edison and the NYSDEC. As you know, the Village of Ossining owns the aforementioned parcels that make up the BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a "temporary license" to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

WB 30 Water Street, LLC

480 BEDFORD ROAD, CHAPPAQUA, N.Y. 10514-1715 (914)347-3333 FAX:(914)909-7328

If you have any questions, please do not hesitate to call William Balter, our Project Manager at (914) 269 - 2432. Otherwise, please sign below so that this work can proceed.

Thank you for your cooperation.

Sincerely,

WB 30 Water Street, LLC
By. William Balter
Managing Member

On behalf of the Village of Ossining, as the Village Manager, I am authorized to grant this temporary license and agree to allow WB 30 Water Street, LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

Village of Ossining
By. Karen D'Attore
Village Manager

Site Contact List

Ossining Gas Works DPW Site

Water Street and Central Avenue, Village of Ossining, New York 10562

Name	Title	Address	City	State	Zip
Hon. Charles Schumer	U.S. Senator	11A Clinton Avenue, Room 827	Albany	NY	12207
Hon. Kirsten Gillibrand	U.S. Senator	11A Clinton Avenue, Room 821	Albany	NY	12207
Sarah Crowell, AICP	NYS DOS Office of Planning and Development	One Commerce Plaza, 99 Washington Ave, Suite 1010	Albany	NY	12231
Mondaire Jones	U.S. House of Representatives, 17th District	222 Mamaroneck Avenue, Suite 312	White Plains	NY	10605
Elijah Reichlin-Melnick	New York State Senator, 38th District	2 Church Street, Suite 210	Ossining	NY	10562
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchster County Planning Board	148 Martine Avenue	White Plains	NY	10601
Dana Levenberg	Town Supervisor, Town of Ossining	16 Croton Avenue	Ossining	NY	10562
Gareth Hougham	Town of Ossining Planning Board, Chair	Route 9A - P.O. Box 1166	Ossining	NY	10562
Rika Levin	Mayor of the Village of Ossining	16 Croton Avenue	Ossining	NY	10562
Jaime Martinez	Director of Planning, Village of Ossining	16 Croton Avenue	Ossining	NY	10562
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Stephen Ho	Indian Brook Water Filtration Plant, Chief Filter Plant Operator	Indian Brook Service Rd	Ossining	NY	10562
Andrew Tiess	Village of Ossining Superintendent of Water/Sewer	16 Croton Avenue	Ossining	NY	10562
Karen LaRocca-Fels	Ossining Public Library, Director	53 Croton Avenue	Ossining	NY	10562
Kate Mathews	Anne M. Dorner Middle School, Principal	100 Van Cortlandt Avenue	Ossining	NY	10562
Ferzeen Shamsi	Claremont Elementary School, Principal	2 Claremont Road	Ossining	NY	10562
Nicole Mangiere	Roosevelt Elementary School, Principal	190 Croton Avenue	Ossining	NY	10562
Marcela Levin	First Steps/Little School Program, Parent Coordinator	400 Executive Boulevard	Ossining	NY	10562
Stephen P. Hancock	Ossining High School, Principal	29 South Highlands Avenue	Ossining	NY	10562
Emily Macias-Capellan	Park Elementary School	22 Edward Street	Ossining	NY	10562
Laurie A. Kaufman	All Aboard on the Hudson, Director	255 North Highland Avenue	Ossining	NY	10562
Grace Scamarone	Kelly's Kids Family Childcare LLC	34 Pershing Avenue	Ossining	NY	10562
Veronica Nunez	123 Steps Daycare	81 Ferris Place	Ossining	NY	10562
Adam J. Holstein	Little Friends Middle Village, Inc.	15 Campwoods Road	Ossining	NY	10562
Johnna M. Locoparra	Westcop St Matthew's Head Start, Director	50 North Malcolm Street	Ossining	NY	10562
Howard Milbert	Ossining Children's Center, Executive Director	32 State Street	Ossining	NY	10562
Linnea Daniels	Little T.Y.K.E.S Family Daycare LLC	17 Still Court	Ossining	NY	10562
Village of Ossining	Owner of Site	16 Croton Avenue	Ossining	NY	10562
The Wire Mill LLC	Adjacent Property Owner/Operator of 62 Water Street	62 Water Street	Ossining	NY	10562
Con Edison Co of New York	Adjacent Property Owner of 39 Central Avenue and 22 Market Street	637 West 49th Street	New York	NY	10019
Segarra Patricio and Gorillo Vilma	Adjacent Property Owner/Operator of 27 Market Street	27 Market Street	Ossining	NY	10562
Eric Bourassa and Carly Jacobson	Adjacent Property Owner/Operator of 1 Independence Place	1 Independece Place	Ossining	NY	10562
Village of Ossining	Adjacent Property Owner of Central Avenue, Main Street and 31 Water Street	16 Croton Avenue	Ossining	NY	10562
J & J Main Street, LLC	Adjacent Property Owner/Operator of 95-97 Main Street	97 Main Street	Ossining	NY	10562
Tino Talic	Adjacent Property Owner/Operator of 81 Main Street	81 Main Street	Ossining	NY	10562
Michael Campbell, Jr.	Adjacent Property Owner of 79 Main Street	9 Stone Creek Lane	Briarcliff Manor	NY	10510
Hudson EFT LLC	Adjacent Property Owner of 80 Main Street	40 Fulton Street, 20th Floor	New York	NY	10038
OVO Property Group LLC	Adjacent Property Owner of Main Street and 65 Main Street	30 Main Street, Apartment 6F	Brooklyn	NY	11201

Armando and Aldina Homem	Adjacent Property Owner of Hunter Street	11 Possum Road	Ossining	NY	10562
Sheila and Shaye Speller	Adjacent Property Owner/Operator of 41 Secor Road	41 Secor Road	Ossining	NY	10562
Victor and Jackqueline Calderon	Adjacent Property Owner of 37 Main Street	929 King Street	Greenwich	CT	6831
35 Ossining LLC	Adjacent Property Owner of 33 and 35 Main Street	121 Winding Ridge Road	White Plains	NY	10603
27A Main Street LLC	Adjacent Property Owner of 27A Main Street	60 Morningside Drive	Ossining	NY	10562
Victor Costa	Adjacent Property Owner/Operator of 21-23 Water Street	21-23 Water Street	Ossining	NY	10562
25 Water Street Realty LLC	Adjacent Property Owner of 25 Water Street	50 Touchstone Way	Millwood	NY	10546
Midtown Trackage Ventures LLC	Adjacent Property Owner of Transpiration	387 Park Avenue South, 7th Floor	New York	NY	10016
Swinging Monkey Products	Adjacent Property Operator of 62 Water Street	62 Water Street, #4	Ossining	NY	10562
Mini Storage Center	Adjacent Property Operator of 62 Water Street	62 Water Street	Ossining	NY	10562
Village Villarina's	Adjacent Property Operator of 95-97 Main Street	97 Main Street	Ossining	NY	10562
Studio95 Zumba with Sue	Adjacent Property Operator of 95-97 Main Street	95 Main Street	Ossining	NY	10562
Maracas Bar and Grill	Adjacent Property Operator of 35 Main Street	35 Main Street	Ossining	NY	10562
Westchester Collaborative Theater	Adjacent Property Operator of 27A Main Street	27A Main Street	Ossining	NY	10562
Costa Electric	Adjacent Property Operator of 21-23 Main Street	21 Main Street	Ossining	NY	10562

Knauf Shaw LLP
ATTORNEYS AT LAW

August 18, 2021

VIA ELECTRONIC MAIL
klaroccafels@wlsmail.org

Karen LaRocca-Fels
Library Director
Ossining Public Library
53 Croton Avenue
Ossining, New York 10562

RE: Brownfield Cleanup Program Application
Applicant: WB 30 Water Street, LLC
Site Address: 30 Water Street
Ossining, New York 10562

Dear Ms. LaRocca-Fels:

We represent WB 30 Water Street, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 30 Water Street in the Village of Ossining, Westchester County, New York. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter as an attachment to an email if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project. Please email the letter or any questions to rsteven@nyenvlaw.com.

Thank you.

Sincerely,

KNAUF SHAW LLP

Linda R. Shaw

LINDA R. SHAW

Yes, the Ossining Public Library is willing and able to act as a public repository for documents related to the cleanup of 30 Water Street, Village of Ossining, New York, Westchester County under the NYS Brownfield Cleanup Program.

Karen LaRocca-Fels
Karen LaRocca-Fels, Library Director

8/18/2021
Date