

PHASE I ENVIRONMENTAL ASSESSMENT

of

Mixed Use Property
227 Westchester Avenue
Port Chester, Westchester County, New York 10573

Prepared for:

227 Westchester Avenue LLC, Affiliates, Assigns, or Participants
c/o Hudson Realty Capital
570 Lexington Avenue, 22nd Floor
New York, New York 10022

Prepared by:

Property Solutions Inc.
31A Northfield Avenue
Edison, New Jersey 08837

Draft: November 5, 2021

Property Solutions Project No. 20211179

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Dated: _____

Property Solutions Project No. 20211179

John Johnson
Environmental Scientist

Burton Turner
Technical Manager

We declare that, to the best of our professional knowledge and belief, we meet the definition of *Environmental professional* as defined in §312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

John Johnson
Environmental Scientist

Burton Turner
Technical Manager

DRAFT

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PROJECT SUMMARY

Client Name/User:	227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital	Property Visit Date:	October 4, 2021
Client Contact:	Paul Griffin	Construction Dates:	Pre-1890 (residential), mid-1930s to early 1940s (commercial)
Property Solutions Project No.:	20211179	No. Bldgs./Units:	Two Bldgs./Seven Units (one commercial, six residential)
Property Solutions Project Mgr:	Burton Turner	No. of Stories:	One (commercial) and three (residential) stories
Phone No.:	(732) 417-0999 (Ext. 310)	Bldg. Square Footage:	4,172 s.f.
Email:	bturmer@propertyolutionsinc.com	Property Acreage:	0.16 acres
Property Name:	Mixed Use Property	Foundation:	Slab-on-grade (commercial), partial basement (residential)
Property Address:	227 Westchester Avenue	Property Use:	Residential, commercial retail
Property Town, County, State:	Port Chester, Westchester County, NY	Property History:	Residential, commercial retail
Property Identification:	142.22-1-24	Other Improvements:	None Identified

Our review of general property information, observation of adjacent properties, research of historical property information, including a review of environmental records, and a property visit revealed the following:

	No Further Action	REC	CREC	HREC	De Minimis Conditions	ASTM Non-scope Considerations	Opinion of Probable Cost	Refer to Section
Property Operations	X							2.3
Neighboring Properties	X							5.0
Historical Review		(1)					\$15,000 to \$20,000	6.0
Previous Reports	X							6.6
Regulatory Review		(2)					\$750	8.0
USTs		(2)					Included with above	9.1.1
ASTs	X							9.1.2
PCBs	X							9.1.3
Chemicals/Hazardous Materials/Raw Materials	X							9.1.5
Waste Generation/Disposal	X							9.1.6
Stressed Vegetation, Staining, and Odors	X							9.1.10

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	No Further Action	REC	CREC	HREC	De Minimis Conditions	ASTM Non-scope Considerations	Opinion of Probable Cost	Refer to Section
Surficial Disturbances	X							9.1.11
ACMs						(3)	\$500	9.2.1
Radon	X							9.2.2
Lead-Based Paint						(4)	\$500	9.2.3
Lead in Drinking Water	X							9.2.4

Notes / Recommendations: To understand the property and report, you must read the Executive Summary and complete report.

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the Mixed Use Property located at 227 Westchester Avenue in Port Chester, Westchester County, New York 10573. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property except for the following:

Recognized Environmental Conditions

- (1) Review of the city directories identified a potential dry cleaner on the subject property from at least 1962 to 1987 (Piel's Tailor and Cleaners). The dry cleaner was presumably located in the commercial subject building which is currently occupied by Delicia Restaurant. No other information was available. Due to the historic use of chlorinated solvents in dry cleaning operations, the absence of a RCRA hazardous waste listing for proper management and disposal practices during this time period, and the ability of chlorinated solvents to migrate through concrete floors, the former dry cleaner represents a recognized environmental condition (REC).

Due to the potential of subsurface contamination and vapor encroachment in the area of the subject buildings from the historic dry cleaning operations, Property Solutions recommends performing a limited subsurface investigation including the collection of soil, soil vapor, and groundwater samples from beneath the commercial subject building as well as the surrounding exterior areas. Based on the analytical results, indoor air sampling may be warranted.

- (2) The subject property is listed in the NY SPILLS database in the environmental database report and the New York State Department of Environmental Conservation (NYSDEC) Spill Incidents database for Spill No. 9803446. According to these listings, the subject property was being converted from fuel oil to natural gas. Con Edison reportedly found soil contamination during the conversion activities and/or removal of the UST on June 17, 1998. The subject property was examined on June 22, 1998, but the excavation where contamination was observed had already been filled and paved over. No further information is provided in the Spill case listing summarized in the environmental database report.

Based on the information available, the removed UST contained #2 fuel oil apparently for onsite consumption at the residential building, and therefore was a non-regulated UST. While the spill case was closed on December 11, 1998, the identified soil contamination without any records of follow up investigation and remediation indicates that soil contamination remains. The listing also does not discuss the condition of the UST upon its removal; therefore, the source of the soil contamination is not identified. It should be noted

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that the east adjoining property at 225 Westchester Avenue has a LTANKS case related to removal of a #2 fuel oil UST in 2004.

Based on the limited information in the listings for the subject property, and no follow up investigation and remediation records, it appears that soil contamination was identified at the subject property and was not addressed. Consequently, this is identified as a recognized environmental condition. To further evaluate the site conditions, FOIL requests have been submitted to the NYSDEC for the subject property Spill Case No. 9803446 and for the adjoining property LTANKS case No. 0314125. Property Solutions recommends conducting a file review of these two cases, to further evaluate the extent of soil contamination observed at the subject property. If upon completion of the file reviews, further investigation is warranted, the scope of investigation can be determined and completed concurrent with the recommended Phase II investigation for item (1) above.

ASTM Non-Scope Considerations

The following ASTM non-scope considerations were identified at the subject property based on the findings provided in this report:

- (3) During the course of the property visit, Property Solutions performed a preliminary review of interior, accessible areas of the subject buildings for the presence of suspect asbestos-containing materials (ACMs).

Based on the limited visual review conducted by Property Solutions, suspect asbestos-containing acoustic ceiling tile, vinyl floor tile and associated mastic, drywall and joint compound, as well as plaster were identified at the subject property. These materials were observed to be in an overall undamaged condition at the time of the property visit.

Currently, there are no regulations requiring the removal of ACM unless it will be disturbed during renovation, repairs, or demolition. The USEPA recommends that as long as the ACM does not pose an imminent health threat, the materials can be managed under an Operations and Maintenance (O&M) Plan. Property Solutions recommends that an Asbestos-Containing Materials O&M Plan be developed and implemented at the subject property.

- (4) Based on the dates of construction of the subject buildings (pre-1890 (residential), mid-1930s to early 1940s (commercial)), there is a potential that lead-based paints (LBPs) were used during building construction. Painted surfaces within the subject buildings were generally observed to be in an undamaged condition.

It is the responsibility of the owner of the subject property and the Lead Program Manager (LPM) to be knowledgeable and mindful of current lead disclosure regulations. It is also the responsibility of the owner and LPM to ensure that current lead disclosure regulations are complied with at the subject property.

Based on the above information, Property Solutions recommends that a Lead-Based Paint Operations and Maintenance Plan be developed and implemented at the subject property.

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EXECUTIVE SUMMARY

Property Solutions Inc. (Property Solutions) conducted a Phase I Environmental Assessment of the Mixed Use Property located at 227 Westchester Avenue in Port Chester, Westchester County, New York 10573 (subject property) at the request of 227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital.

The subject property consists of an irregular-shaped, 0.16-acre parcel of land located on the westbound side of Westchester Avenue, east of the intersection Oak Street. The subject property is improved with two, one and three-story, commercial and residential buildings constructed in pre-1890 (residential structure) and mid-1930s to early 1940s (commercial structure) (subject buildings). There are no other improvements on the subject property. The remaining portions of the subject property are covered with the associated paved parking areas and lawn areas. No water bodies are located on the subject property. No water bodies are located on the adjoining properties. Vehicular access to the subject property is gained via a public lot/driveway off of Westchester Avenue along the west side of the subject property.

The subject buildings consist of structural wood framing and concrete construction with slab-on-grade (commercial) and partial basement (residential) foundations. The gross area of the subject buildings is approximately 4,172 square feet. The subject buildings contain one commercial tenant space and six residential units. Interior wall finishes include painted and bare drywall, ceramic tile, bare cinderblock, and painted plaster. Interior floor finishes include ceramic tile, bare concrete, and vinyl floor tile. Interior ceiling finishes include acoustic ceiling tile and painted plaster. There have been no reported renovations to the subject buildings. The subject buildings are heated and cooled by natural gas and electricity.

The subject property was historically used for residential and commercial retail purposes.

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the Mixed Use Property located at 227 Westchester Avenue in Port Chester, Westchester County, New York 10573. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property, except for the following:

- (1) Review of the city directories identified a potential dry cleaner on the subject property from at least 1962 to 1987 (Piel's Tailor and Cleaners). The dry cleaner was presumably located in the commercial subject building which is currently occupied by Delicia Restaurant. No other information was available. Due to the historic use of chlorinated solvents in dry cleaning operations, the absence of a RCRA hazardous waste listing for proper management and disposal practices during this time period, and the ability of chlorinated solvents to migrate through concrete floors, the former dry cleaner represents a recognized environmental condition (REC).

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Due to the potential of subsurface contamination and vapor encroachment in the area of the subject buildings from the historic dry cleaning operations, Property Solutions recommends performing a limited subsurface investigation including the collection of soil, soil vapor, and groundwater samples from beneath the commercial subject building as well as the surrounding exterior areas. Based on the analytical results, indoor air sampling may be warranted.

An opinion of probable cost to perform a limited Phase II subsurface investigation to evaluate potential impacts of the former dry cleaner at the subject property is \$15,000 to \$20,000.

- (2) The subject property is listed in the NY SPILLS database in the environmental database report and the New York State Department of Environmental Conservation (NYSDEC) Spill Incidents database for Spill No. 9803446. According to these listings, the subject property was being converted from fuel oil to natural gas. Con Edison reportedly found soil contamination during the conversion activities and/or removal of the UST on June 17, 1998. The subject property was examined on June 22, 1998, but the excavation where contamination was observed had already been filled and paved over. No further information is provided in the Spill case listing summarized in the environmental database report.

Based on the information available, the removed UST contained #2 fuel oil apparently for onsite consumption at the residential building, and therefore was a non-regulated UST. While the spill case was closed on December 11, 1998, the identified soil contamination without any records of follow up investigation and remediation indicates that soil contamination remains. The listing also does not discuss the condition of the UST upon its removal; therefore, the source of the soil contamination is not identified. It should be noted that the east adjoining property at 225 Westchester Avenue has a LTANKS case related to removal of a #2 fuel oil UST in 2004.

Based on the limited information in the listings for the subject property, and no follow up investigation and remediation records, it appears that soil contamination was identified at the subject property and was not addressed. Consequently, this is identified as a recognized environmental condition. To further evaluate the site conditions, FOIL requests have been submitted to the NYSDEC for the subject property Spill Case No. 9803446 and for the adjoining property LTANKS case No. 0314125. Property Solutions recommends conducting a file review of these two cases, to further evaluate the extent of soil contamination observed at the subject property. If upon completion of the file reviews, further investigation is warranted, the scope of investigation can be determined and completed concurrent with the recommended Phase II investigation for item (1) above.

An opinion of probable cost to conduct the recommended file reviews is \$750.

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ASTM non-scope considerations are business environmental risks that are not included in the ASTM E1527-13 scope of work. The following ASTM non-scope considerations were identified at the subject property based on the findings provided in this report:

- (3) During the course of the property visit, Property Solutions performed a preliminary review of interior, accessible areas of the subject buildings for the presence of suspect asbestos-containing materials (ACMs).

Based on the limited visual review conducted by Property Solutions, suspect asbestos-containing acoustic ceiling tile, vinyl floor tile and associated mastic, drywall and joint compound, as well as plaster were identified at the subject property. These materials were observed to be in an overall undamaged condition at the time of the property visit.

Currently, there are no regulations requiring the removal of ACM unless it will be disturbed during renovation, repairs, or demolition. The USEPA recommends that as long as the ACM does not pose an imminent health threat, the materials can be managed under an Operations and Maintenance (O&M) Plan. Property Solutions recommends that an Asbestos-Containing Materials O&M Plan be developed and implemented at the subject property.

An opinion of probable cost to develop an ACM O&M Plan for the subject property is \$500.

- (4) Based on the dates of construction of the subject buildings (pre-1890 (residential), mid-1930s to early 1940s (commercial)), there is a potential that lead-based paints (LBPs) were used during building construction. Painted surfaces within the subject buildings were generally observed to be in an undamaged condition.

It is the responsibility of the owner of the subject property and the Lead Program Manager (LPM) to be knowledgeable and mindful of current lead disclosure regulations. It is also the responsibility of the owner and LPM to ensure that current lead disclosure regulations are complied with at the subject property.

Based on the above information, Property Solutions recommends that a Lead-Based Paint Operations and Maintenance Plan be developed and implemented at the subject property.

An opinion of probable cost to develop a LBP O&M Plan for the subject property is \$500.

1.0 INTRODUCTION

Property Solutions Inc. (Property Solutions) conducted a Phase I Environmental Assessment of the Mixed Use Property located at 227 Westchester Avenue in Port Chester, Westchester County, New York 10573 (subject property) at the request of 227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital. 227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital is considered the User, as defined in ASTM E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The subject property is identified as 142.22-1-24, according to the Property Shark website.

A property location map is included in Appendix A.

This Phase I Environmental Assessment was conducted in general accordance with industry-accepted practices and American Society for Testing and Materials (ASTM) Standard E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The work was authorized by the signed proposal (P59351r) dated September 2, 2021.

Per the ASTM practice and throughout this report, the Client will be considered the same as the User in the ASTM E1527-13 practice.

1.1 Purpose

The purpose of a Phase I Environmental Assessment is to evaluate issues that may have an impact on the subject property. The purpose of the ASTM E1527-13 practice is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) and petroleum products. As such, this practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the “landowner liability protections,” or “LLPs”): that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice as defined at 42 U.S.C. §9601(35)(B). (See ASTM E1527-13 Appendix X1 for an outline of CERCLA’s liability and defense provisions.) Controlled substances are not included within the scope of this standard. Persons conducting an environmental site assessment as part of an EPA Brownfields Assessment and Characterization Grant awarded under CERCLA 42 U.S.C. §9604(k)(2)(B) must include controlled substances as defined in the Controlled Substances Act (21 U.S.C. §802) within the scope of the assessment investigations to the extent directed in the terms and conditions of the specific grant or cooperative agreement. Additionally, an evaluation of business environmental risks associated with a parcel of commercial real estate may necessitate investigation beyond that identified in this practice (see ASTM E1527-13 Sections 1.3 and 13).

The goal of the processes established by this practice is to identify recognized environmental conditions. The term recognized environmental conditions means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

The purpose of this report is not intended to serve as a compliance assessment of the subject property or to identify health and safety issues or procedures. The ASTM E1527-13 DOES NOT address whether requirements in addition to all appropriate inquiry have been met in order to qualify for the LLPs (for example, the duties specified in 42 U.S.C. §9601(b)(3)(a) and (b) and cited in Appendix X1 of the ASTM Standard, including the continuing obligation not to impede the integrity and effectiveness of activity and use limitations (AULs), or the duty to take reasonable steps to prevent releases, or the duty to comply with legally required release reporting obligations).

The ASTM E1527-13 practice DOES NOT address requirements of any state or local laws or of any federal laws other than the all appropriate inquiry provision of the LLPs. Per the ASTM Standard, Users are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. Users should also be aware that there are likely to be other legal obligations with regard to hazardous substances or petroleum products discovered on the property that are not addressed in the ASTM practice and that may pose risks of civil and/or criminal sanctions for non-compliance.

1.2 Scope of Work

This Phase I Environmental Assessment was conducted in accordance with the following Scope of Work:

1. Requested user to complete questionnaire and provide all user required information.
2. Researched and reviewed available information regarding past owners and occupants of the subject property to assess the potential for releases resulting from prior on-property activities. Aerial photographs, city directories, topographic maps, interviews and fire insurance maps were utilized, as available. Chain-of-title and environmental liens were reviewed if provided by the client/user.
3. Researched available information regarding immediately adjacent properties for evidence of releases that could impact the subject property.
4. Interviewed available persons familiar with current and former on-property activities for relevant information regarding potential environmental concerns as coordinated by the Client/User.

5. Reviewed federal and state regulatory agency database information for the subject property and neighboring properties to identify potential concerns that could adversely affect the environmental condition of the subject property. The database review included, but was not limited to, a review of the following lists: United States Environmental Protection Agency (USEPA) National Priorities List (NPL) Sites, Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Sites, State Hazardous Waste Sites, Resource Conservation and Recovery Act Information System (RCRIS) Corrective Action, Generator, and Treatment/Storage/Disposal (TSD) Sites, Leaking Registered Storage Tank (LRST) Sites, Registered Storage Tank (RST) Sites, landfills, and Emergency Response Notification System (ERNS) Sites. Contacted federal, state, and local regulatory agencies.
6. Performed a property visit to identify areas of potential environmental concern such as the bulk storage of regulated substances, underground/aboveground storage tanks, asbestos-containing materials, electrical transformers, and process-related wastes. To the extent possible, a review of immediately adjacent properties was also performed from the subject property and public thoroughfares. The property visit was performed using grid patterns across the property (as easily accessible) and through other systematic means. Findings and conditions were made only to the extent that they were visually and/or physically observed during the property visit.
7. Prepared a technical Phase I Environmental Assessment report to document the findings regarding the current environmental condition of the subject property. If warranted, the report contains recommendations for further action. In addition to ASTM scope items, the following ASTM non-scope items were discussed and included in the report based upon a limited review: asbestos containing materials, radon, lead-based paint, lead in drinking water, potential wetlands, air emissions, and mold/water intrusion.

1.3 Significant Assumptions

The following assumptions are made by Property Solutions in this report. Property Solutions relied on information derived from secondary sources including governmental agencies, the client (User), designated representatives of the client (User), property contact, property owner, property owner representatives, computer databases, and personal interviews. Except as set forth in this report, Property Solutions has made no independent investigation as to the accuracy and completeness of the information derived from secondary sources including government agencies, the client, designated representatives of the client, property contact, property owner, property owner representatives, computer databases, or personal interviews and has assumed that such information is accurate and complete. Property Solutions assumes information provided by or obtained from governmental agencies including information obtained from government websites is accurate and complete. Groundwater flow and depth to groundwater, unless otherwise specified by on-property well data, are assumed based on contours depicted on the United States Geological Survey topographic maps. Property Solutions assumes the property has been correctly and accurately identified by the client (User), designated representative of the client (User), property contact,

property owner, and property owner's representatives. Property Solutions assumes that the Client (User), Client representatives, Client Legal Counsel, designated representatives of the Client, Key Site Manager, property contact, property owner, property owner representatives, and property brokers, used good faith in answering questions and in obtaining information for the subject property as defined in 10.8 of the ASTM E1527-13 practice. This would also include obtaining those helpful documents from previous owners, operators, tenants, brokers, financial institutions etc. Property Solutions also assumes the Client will designate appropriate and knowledgeable people for performance of the Phase I Environmental Assessment including Key Site Managers.

1.4 Limitations and Exceptions of the Assessment

The findings, observations, conclusions, and recommendations of this report are limited by the contract technical requirements and the methods used to perform the services outlined in the scope of work. These services have been performed in accordance with the described scope for Phase I Environmental Assessments. In order to perform a comprehensive environmental evaluation, subsurface investigation and testing would be required to definitively evaluate whether contamination has affected the subject property. Therefore, the findings, conclusions, and recommendations presented herein are based solely on the scope of work previously described and information gathered. Incomplete or outstanding information identified throughout the body of this report including data gaps is considered a limitation to the assessment. Limitations to the assessment also include weather conditions, vegetation cover, parked cars, trucks, dumpsters, and anything limiting visual observation of or physical access to the subject property and neighboring properties. This report and scope is not an environmental compliance audit.

No environmental assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of the ASTM practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and the ASTM practice recognizes reasonable limits of time and cost.

Appropriate inquiry does not mean an exhaustive assessment of a clean property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an environmental assessment and reducing uncertainty about unknown conditions resulting from additional information.

Subject to Section 4.8 of the ASTM E1527-13 Standard, an environmental site assessment meeting or exceeding the practice and completed less than 180 days prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid. If within this period the assessment will be used by a user different than the user (client) for whom the assessment was originally prepared, the subsequent user (if authorized to rely on the report as identified in Section 1.6 Reliance of this report) must also satisfy

the User's Responsibilities in Section 6 of the ASTM E1527-13 standard. If this assessment is over 180 days old it is not valid and a new assessment should be performed per the ASTM standard.

All findings, conclusions, and recommendations stated in this report are based upon facts, circumstances, and industry-accepted procedures for such services as they existed at the time this report was prepared (i.e., federal, state, and local laws, rules, regulations, market conditions, economic conditions, political climate, and other applicable matters). All findings, conclusions, and recommendations stated in this report are based on the data and information provided, and observations and conditions that existed on the date and time of the property visit. Responses received from interviewees, the user, local, state, or federal agencies or other secondary sources of information after the issuance of this report may change certain facts, findings, conclusions, or circumstances to the report. A change in any fact, circumstance, or industry-accepted procedure upon which this report was based may adversely affect the findings, conclusions, and recommendations expressed in this report.

No other person or entity, unless specifically identified in Section 1.6 of this report may rely on this report. Subsequent consultants and subsequent Users may not rely on this report or information included in this report. Property Solutions Inc. will not be held liable in any way for any and all unauthorized use of this report both currently and in the future. Consultants and subsequent Users must specifically and separately verify all information and not rely on the facts, findings, conclusions, opinions and recommendations of this report. Future use of this report by consultants or subsequent Users is strictly prohibited and not authorized to evaluate the appropriateness of using this information in environmental site assessments performed in the future by anyone other than Property Solutions Inc. Subsequent consultants and subsequent Users may not include this report or information included in this report (unless publicly available) without the written authorization of Property Solutions Inc.

1.5 Special Terms and Conditions

This Phase I Environmental Assessment was prepared in accordance with the stated and agreed upon Scope of Work. This report was specifically and only prepared for the identified specific client (user) and for their specific purpose; no other person or entity for any other purpose may use, or rely on this report or its contents unless specifically authorized in writing by Property Solutions Inc. No other special terms and conditions are applicable to this Phase I Environmental Assessment.

1.6 Reliance

This report has been prepared for the sole benefit of 227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital, and may not be relied upon by any other person or entity without the written authorization of Property Solutions.

1.7 Data Gaps

The following data gaps were identified during this Phase I Environmental Assessment:

- User provided information and responsibilities
- Historical property information
- Interviews
- Environmental record search and governmental records
- Property visit limitations and inaccessible areas

Specific information concerning data gaps are presented in each applicable section of this report.

None of the above data gaps are considered significant.

2.0 GENERAL PROPERTY INFORMATION

2.1 Property Location

Property Location	
Property Name	Mixed Use Property
Property Address	227 Westchester Avenue
Property Town, County, State, Zip	Port Chester, Westchester County, New York 10573
Property Tax Identification	142.22-1-24 (Property Shark)
Property Topographic Quadrangle	<u>Glenville, CT-NY</u>
Nearest Intersection	Westchester Avenue and Smith Street / Poningo Street
Area Description	Suburban, residential, commercial

An excerpt from the USGS 7.5-minute series topographic quadrangle map of Glenville, CT-NY, locating the subject property, is included in Appendix A.

2.2 Property Description

Property Information	
Property Ownership Name	Jsn Of Ny LLC (Property Shark)
Date of Acquisition	July 10, 2017 (Property Shark)
Property Acreage	0.16 acres (Property Shark)
Property Shape	Irregular
Property Use	Residential, commercial retail
Number of Buildings	Two
Number of Stories	One (commercial) and three (residential)
Construction Dates	Pre-1890 (residential), mid-1930s to early 1940s (commercial) (Aerial Photographs and Sanborn Fire Insurance Maps)

Property Information	
Building Square Footage	4,172 square feet (Property Shark)
Foundation	Partial basement (residential), slab-on-grade (commercial)
Number of Units	Seven (one commercial, six residential)
Ceiling Finishes	Acoustic ceiling tile, painted plaster
Floor Finishes	Ceramic tile, bare concrete, vinyl floor tile
Wall Finishes	Painted and bare drywall, ceramic tile, bare cinderblock, painted plaster
HVAC (Energy Source & Type of System)	Commercial building – rooftop HVAC units, forced air system (natural gas and electricity) Residential building – natural gas fired boiler supplying radiant heat units (natural gas) and individual window air conditioning units (electricity)
Renovation Date	No Reported Renovations
Renovation Description	No Reported Renovations
Vehicular Access	Via driveway / public lot off of Westchester Avenue
Other Improvements	None Identified
Property Coverage	Footprints of the subject buildings, associated parking areas, lawn areas

A breakdown of the residential units was not provided. No vacant units were reported by the property escort or identified during the property visit.

A property diagram of the subject property is included in Appendix B.

2.3 Property Operations

The subject property is primarily used for residential purposes. The commercial retail tenant space is currently occupied by Delicia Restaurant.

No industrial or manufacturing operations were observed at the subject property at the time of the property visit.

No environmental concerns were identified at the subject property based on the operations observed during the property visit.

2.4 Utilities

Property Solutions was informed by the current property owner, Adan Villeda, that the following companies and municipality currently provide utility services to the subject property:

Utility	Provider
Electricity	Con Edison
Natural Gas	Con Edison
Sanitary Sewerage	City of Port Chester
Potable Water	City of Port Chester
Solid Waste Removal	City of Port Chester (residential) AAA Carting (commercial)

Utility	Provider
Fuel Oil	Not Provided to Subject Property
Steam	Not Provided to Subject Property

3.0 USER PROVIDED INFORMATION AND RESPONSIBILITIES

This section is to describe tasks to be performed by the User. The “All Appropriate Inquiries” (AAI) Final Rule (40 CFR Part 312) requires that these tasks be performed by or on behalf of a party seeking to qualify for an LLP to CERCLA liability. These tasks must also be completed by or on behalf of EPA Brownfield Assessment and Characterization grantees. While such information is not required to be provided to the environmental professional, the environmental professional shall request that the user provide the results of these tasks as such information can assist the environmental professional in identifying recognized environmental conditions.

Per the ASTM standard, the environmental professional shall note in the report whether or not the User has reported to the environmental professional information pursuant to Section 6 of the ASTM standard.

User’s Responsibilities	User Provided	Other Provided	Not provided
Optional User Questionnaire	X		
Title and Judicial Records for Environmental Liens/Activity Use Limitations			X
Specialized Knowledge or Experience of the User	X		
Actual Knowledge of the User	X		
Reason for Significantly Lower Purchase Price (value reduction)			X
Commonly Known or Reasonably Ascertainable Information			X
Degree of Obviousness			X
Reason for Performing the Phase I other than to qualify for LLP to CERCLA Liability			X
Helpful Documents/Prior Reports			X
Proceedings Involving the Subject Property			X
User Identified Personnel	X		

Items not provided are considered data gaps per the ASTM Standard.

No significant data gaps were identified based upon the information known by the User for this transaction.

User Questionnaire

A User Questionnaire was submitted to 227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital (User) to be completed prior to the property visit.

Client	227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital
Contact Name	Richard Ortiz
Contact Title	Not Provided
Phone/Fax/Email	(917) 270-7600 / Not Provided / rortiz@hudsoncap.com
Contact Date	September 10, 2021
Request Medium	Email
Questionnaire completed?	Yes
Completed by?	Richard Ortiz
Response Date	September 14, 2021
Form of Response	Email
Was the questionnaire completed and returned prior to the property visit?	Yes

Summary of information provided in questionnaire:

No environmental concerns were identified during the review of the User Questionnaire completed by Richard Ortiz.

The completed User Questionnaire and correspondence are included in Appendix D - User Correspondence.

Knowledge of the User

Per the ASTM standard, the Users must take into account their specialized knowledge to identify conditions indicative of releases or threatened releases. If the user has any specialized knowledge or experience that is material to recognized environmental conditions in connection with the property, the user should communicate any information based on such specialized knowledge or experience to the environmental professional. The user should do so before the environmental professional conducts the property visit.

The User informed Property Solutions via response to User Questionnaire on September 14, 2021 that they have no specialized knowledge, actual knowledge, experience, or commonly known and reasonably ascertainable information within the local community concerning recognized environmental conditions at the subject property. The property visit was performed on October 4, 2021.

The property owner / key site manager responded in the affirmative to being aware of remediation activities that have occurred at the subject property or adjoining properties in response to contaminated soil, groundwater, and/or surface water. However, no specifics were given and no further information was provided upon request.

Reason for Performing the Phase I Environmental Assessment

227 Westchester Avenue LLC, Affiliates, Assigns, or Participants c/o Hudson Realty Capital (User) is performing the Phase I Environmental Assessment for pre-purchase due diligence.

Helpful Documents Provided Prior to Property Visit

Per the ASTM standard, prior to the property visit, the property owner, key site manager (if any is identified), and User (if different from the property owner) shall be asked if they know whether any of the documents below exist and if so, whether copies can and will be provided within reasonable time and cost constraints including partial information. This information is to be provided prior to or at the beginning of the property visit.

Documents	User		Key Site Manager		Property Owner	
	Exist	Provided	Exist	Provided	Exist	Provided
ESA reports	No	N/A	No	N/A	No	N/A
Environmental compliance audit reports	No	N/A	No	N/A	No	N/A
Environmental permits	No	N/A	No	N/A	No	N/A
UST/AST registrations	No	N/A	No	N/A	No	N/A
Underground Injection permits	No	N/A	No	N/A	No	N/A
MSDSs	No	N/A	No	N/A	No	N/A
Community Right-to-Know plan	No	N/A	No	N/A	No	N/A
Safety plans	No	N/A	No	N/A	No	N/A
SPCC plans	No	N/A	No	N/A	No	N/A
Emergency preparedness and prevention plans	No	N/A	No	N/A	No	N/A
Hydrogeologic reports	No	N/A	No	N/A	No	N/A
Government agency correspondence and violations	No	N/A	Yes	No	Yes	No
Hazardous waste generator notices or reports	No	N/A	No	N/A	No	N/A
Geotechnical studies	No	N/A	No	N/A	No	N/A
Risk assessments	No	N/A	No	N/A	No	N/A
Recorded AULs	No	N/A	No	N/A	No	N/A
Environmental liens	No	N/A	No	N/A	No	N/A

A response to our request for the above helpful documents was received by the Key Site Manager / Property Owner, but they refuse to provide the helpful document. This is considered a data gap.

User Identified Personnel

The information and contacts below were identified and/or provided by the User/Client.

Contact	Name	Company
User	Paul Griffin	Hudson Realty Capital
Key Site Manager	Adan Villeda	JSN of NY LLC
Current Property Owner		
Prospective Buyers	Richard Ortiz	Hudson Realty Capital
	Ledwin Oviedo	Ledwin Enterprises, Inc.

4.0 PHYSICAL SETTINGS

4.1 Topography/Regional Drainage

Topographic Quadrangle Name	Glenville, CT-NY
Property Elevation	Approximately 48 feet above mean sea level
Surface Gradient	Declines to the east
Property Drainage	Storm drains within paved parking areas and along local roadways; ground percolation
Regional Drainage	Byram River approximately 1,900 feet to the east-southeast
Closest Perennial Water body	Byram River

A copy of the USGS 7.5-minute series topographic quadrangle map of Glenville, CT-NY, is included in Appendix A.

4.2 Soils

USDA County Soil Survey	
Information Source	USDA Web Soil Survey
Date of Information Source	Updated September 1, 2021
Soil Name	Urban Land (Uf)
Description: Surface covered by pavement, concrete, building foundations, and other structures underlain by natural and disturbed soil materials.	
Expected depth to bedrock	Due to massive construction, most of the original soil has been filled in or destroyed so an accurate depth to bedrock is not available.

4.3 Underlying Formation

Information Source	United States Geological Survey
Title of Publication	Mineral Resources – Online Spatial Data
Date of Publication	Online resource updated on a regular basis
Name of Unit	Hartland Formation
Description of Unit: Ordovician metamorphic unit primarily composed of politic-schist and amphibolite.	

4.4 Groundwater

Information Source	United States Geological Survey
Title of Publication	Aquifer Basics
Date of Publication	Updated December 8, 2016
Underlying Aquifer	Other Rocks
Description: The 'other rocks' aquifer is not considered a principal aquifer due to low permeability, unsaturated materials or formations that yield little water. Igneous and metamorphic formations are included in this classification.	

Expected Depth to Shallow Groundwater	Approximately 20 to 25 feet below ground surface
Information Source	Topographic map contours
Expected Direction of Shallow Groundwater Flow	East
Information Source	Topographic map contours

EDR identified seven water wells within one mile of the subject property.

5.0 NEIGHBORING PROPERTIES

Review of neighboring properties from the subject property and from public thoroughfares, and research of available information regarding the neighboring properties, were performed to identify evidence of environmental concerns that could adversely impact the subject property. The subject property is located in a residential and commercial area of Port Chester, New York.

Direction	Property	Address	Operations
North	Undeveloped Lot	220 Irving Avenue	Not Applicable
	Undeveloped / Parking Lot	214 Irving Avenue	Parking Lot
South	Westchester Avenue	Not Applicable	Public Thoroughfare
	Multi-Tenant Commercial Building	220 Westchester Avenue	Commercial Retail
	Irv's Mini Mart	234 Westchester Avenue	Deli
East	Multi-Tenant Commercial Building	223-225 Westchester Avenue	Commercial Retail / Office
West	Parking Lot	Bound by Westchester Avenue and Irving Avenue	Parking Lot

Based on a review of neighboring properties from the subject property and from public thoroughfares, the neighboring properties do not appear to be of the type likely to pose a significant threat to the environmental condition of the subject property. The neighboring properties were listed as follows in the environmental database report:

- 225 Westchester Avenue – Leaking Tanks (LTANKs)
- 232 Westchester Avenue – NY SPILLS
- 220 Westchester Avenue – EDR Historic Cleaner

Based upon a review of the environmental database report, the neighboring properties are listed with documented releases, but are not a concern due to various mitigating factors such as regulatory closure an gradient, with the exception of the LTANKS listing at 225 Westchester Avenue. The neighboring properties are further discussed in Section 8.2.

A property diagram including neighboring properties is included in Appendix B. Photographs including the neighboring properties are included in Appendix C.

6.0 HISTORICAL PROPERTY INFORMATION

The following is a summary of the historical use of the subject property based on a review of the standard historical source information that is further described below:

Decade	Property Use	Standard Source/Source
1880	The subject property is developed with the residential subject building.	Sanborn Fire Insurance Maps (1885)
1890	No major changes.	Sanborn Fire Insurance Maps (1890, 1895), Topographic Maps (1892, 1893/1897, 1898/1899)
1900	No major changes.	Sanborn Fire Insurance Maps (1902, 1908), Topographic Maps (1900)
1910	No major changes.	Sanborn Fire Insurance Maps (1915, 1919)
1920	Presumed no major changes.	Data Gap
1930	The subject property has been developed with the commercial subject building (storefronts).	Aerial Photographs (1934), Sanborn Fire Insurance Maps (1934)
1940	No major changes.	Aerial Photographs (1941, 1949), Topographic Maps (1944/1947)
1950	No major changes.	Aerial Photographs (1954), Sanborn Fire Insurance Maps (1950), Topographic Maps (1951/1955)
1960	One of the occupants of the commercial subject buildings is Piel's Tailor and Cleaners, a potential dry cleaner.	City Directories (1962), Aerial Photographs (1960, 1966), Topographic Maps (1960, 1967/1971)
1970	No major changes.	City Directories (1972, 1977), Aerial Photographs (1971, 1974), Topographic Maps (1975)
1980	No major changes.	City Directories (1982, 1987), Aerial Photographs (1985, 1989)
1990	Dry cleaning operations have ceased.	City Directories (1992, 1995), Aerial Photographs (1991, 1994, 1996), Sanborn Fire Insurance Maps (1990, 1993, 1994, 1995, 1996)
2000	No major changes.	City Directories (2000, 2005), Aerial Photographs (2005, 2008), Sanborn Fire Insurance Maps (2006)
2010	No major changes.	City Directories (2010, 2014, 2017), Aerial Photographs (2011, 2014, 2017), Topographic Maps (2012/2013)

Decade	Property Use	Standard Source/Source
2020	The commercial subject building is occupied by Delicia Restaurant.	Aerial Photographs (2021), Property Tax File, Interviews

6.1 City Directories

Source: The EDR-City Directory Image Report		
City Directory Type: EDR Digital Archive, Cole Criss-Cross Directory		
Year	Address	Listing
1962	227 Westchester Avenue (SP)	Piel's Cleaners, Van Dyck H Optician, Tom's Charcoal Pit Restaurant, Residential
	220 Westchester Avenue (NP)	Gioffre Bldg. (multi-tenant commercial)
	223-225 Westchester Avenue (NP)	Vacant Store
	234 Westchester Avenue (NP)	Geer N Mrs. Gift Shop
1972	227 Westchester Avenue (SP)	George Loos Laundry, Piel's Tailor & Cleaner, Dr. HC Vandyck Inc., Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Nan Geer Gifts
1977	227 Westchester Avenue (SP)	PC Community Development, Perlas Auto Driving, Piel's Tailor & Cleaner, City Comty Development, Shalom Brokerage, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building including Eastern Cleaning Service
	234 Westchester Avenue (NP)	Sinclair Thrift Bakery
1982	227 Westchester Avenue (SP)	Piel's Tailor & Cleaner, The Westchester Food, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
1987	227 Westchester Avenue (SP)	Commander Video, Piel's Tailor & Cleaner, The Westchester Food, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Odds & Ends
1992	227 Westchester Avenue (SP)	TJ's Pizza & Pasta, Spider's Web, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Odds & Ends
1995	227 Westchester Avenue (SP)	TJ's Pizza & Pasta
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Odds & Ends
2000	227 Westchester Avenue (SP)	TJ's Pizza & Pasta, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Odds & Ends
2005	227 Westchester Avenue (SP)	Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building

Source: The EDR-City Directory Image Report		
City Directory Type: EDR Digital Archive, Cole Criss-Cross Directory		
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
2010	227 Westchester Avenue (SP)	TJ's Pizza & Pasta, Spider's Web, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Mimmo's Gourmet Italian Deli
2014	227 Westchester Avenue (SP)	TJ's Pizza & Pasta, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Locksmith to Rely On, Mimmo's Gourmet Italian Deli, Port Chester Mini Mart Corporation
2017	227 Westchester Avenue (SP)	TJ's Pizza & Pasta, Residential
	220 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	223-225 Westchester Avenue (NP)	Multi-Tenant Commercial Building
	234 Westchester Avenue (NP)	Locksmith to Rely On, Mimmo's Gourmet Italian Deli

NP – Neighboring property

SP – Subject property

Review of the city directories identified a potential dry cleaner on the subject property from at least 1962 to 1987 (Piel's Tailor and Cleaners). The dry cleaner was presumably located in the commercial subject building which is currently occupied by Delicia Restaurant. No other information was available. Due to the historic use of chlorinated solvents in dry cleaning operations, the absence of a RCRA hazardous waste listing for proper management and disposal practices during this time period, and the ability of chlorinated solvents to migrate through concrete floors, the former dry cleaner represents a recognized environmental condition (REC).

Due to the potential of subsurface contamination and vapor encroachment in the area of the subject buildings from the historic dry cleaning operations, Property Solutions recommends performing a limited subsurface investigation including the collection of soil, soil vapor, and groundwater samples from beneath the commercial subject building as well as the surrounding exterior areas. Based on the analytical results, indoor air sampling may be warranted.

6.2 Aerial Photographs

Year	1934
Information Source	EDR Aerials
Description of Subject Property: The subject property is developed with the residential subject building.	
Description of Northern Adjoining Property: The northern adjoining property is developed with an apparent residence and a building of presumed residential or commercial use.	
Description of Southern Adjoining Property: The southern adjoining property is developed with buildings that appear consistent with current structures.	
Description of Eastern Adjoining Property: The eastern adjoining property is developed with a building that appears consistent with current structures.	
Description of Western Adjoining Property: The western adjoining property consists of undeveloped land beyond which is a building that appears consistent with current structures.	

Years	1941, 1949
Information Source	EDR Aerials
Description of Subject Property: The subject property has been further developed with the commercial subject building.	
Description of Northern Adjoining Property: No major changes.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Years	1954, 1960, 1966, 1971, 1974, 1985, 1989
Information Source	EDR Aerials
Description of Subject Property: No major changes.	
Description of Northern Adjoining Property: The apparent residence is no longer present.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: The western adjoining property has been developed as a parking lot.	

Years	1991, 1994, 1996, 2005, 2008, 2011, 2014, 2017, 2021
Information Source	EDR Aerials
Description of Subject Property: The presumed residential or commercial building is no longer present. The area is now undeveloped.	
Description of Northern Adjoining Property: No major changes.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Review of the aerial photographs revealed that the residential subject building was constructed prior to 1934 and the commercial subject building was constructed after 1934 and prior 1941.

No evidence of environmental concern on or adjacent to the subject property was revealed during a review of the aerial photographs.

Copies of the aerial photographs are included in Appendix E.

6.3 Fire Insurance Maps

The subject property and adjoining properties are not shown on the 1885 Sanborn map.

Years	1890, 1895, 1902
Information Source	EDR Sanborns
Description of Subject Property: The subject property is developed with the residential subject building.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: The northern adjoining property is developed with a residence and associated outbuilding.	

Years	1890, 1895, 1902
Description of Southern Adjoining Property: The southern adjoining property is developed with three residences and associated outbuildings.	
Description of Eastern Adjoining Property: The eastern adjoining property is developed with the original portion of the current eastern adjoining building and is labeled "Congregational Church".	
Description of Western Adjoining Property: The western adjoining property is developed with a residence.	

Year	1908
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: The existing residence has been converted to a boarding house. In addition, the northern adjoining property has been further developed with a commercial retail building (general store, grocer, dry goods, etc.).	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Year	1915
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: The commercial building is occupied by a confectionary, kindergarten, tailor, etc.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: The eastern adjoining property is labeled "Vacant Church".	
Description of Western Adjoining Property: No major changes.	

Year	1919
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: No major changes.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: The eastern adjoining building is labeled "North Baptist Church".	
Description of Western Adjoining Property: No major changes.	

Year	1934
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: One of the storefronts on the northern adjoining property is labeled "Cleaning & Pressing", a potential dry cleaning facility.	
Description of Southern Adjoining Property: The residences on the southern adjoining property have been razed and replaced by storefront buildings that appear consistent with current structures.	
Description of Eastern Adjoining Property: The eastern adjoining building has been expanded with storefronts. The former church area is now labeled "Vacant Bowling Alleys".	
Description of Western Adjoining Property: The residence is no longer present.	

Year	1950
Information Source	EDR Sanborns
Description of Subject Property: The subject property has been developed with the commercial subject building divided into three storefronts. In addition, a small garage (for auto storage) is present on the northwest corner of the subject property.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: No major changes.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Years	1990, 1993 ¹
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: The residential building is no longer present and the area is now labeled "Parking".	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: The eastern adjoining building is occupied by a dance hall, restaurant, and offices.	
Description of Western Adjoining Property: The western adjoining property is labeled "Municipal Parking".	

¹Only the southern adjoining property is shown on the 1993 Sanborn map.

Year	1994
Information Source	EDR Sanborns
Description of Subject Property: No major changes.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: The commercial building is no longer present. The area is now undeveloped.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Years	1995, 1996, 2006
Information Source	EDR Sanborns
Description of Subject Property: The auto storage building is no longer present.	
Addresses of Subject Property Listed on Fire/Insurance Map: 227 Westchester Avenue	
Description of Northern Adjoining Property: No major changes.	
Description of Southern Adjoining Property: No major changes.	
Description of Eastern Adjoining Property: No major changes.	
Description of Western Adjoining Property: No major changes.	

Review of the fire insurance maps revealed that the residential subject building was constructed prior to 1890 and the commercial subject building was constructed after 1934 and prior to 1950.

No evidence of environmental concern on or adjacent to the subject property was revealed during a review of the fire insurance maps with the exception of the potential dry cleaner tenant located on the northern adjoining property. However, based on the lateral to downgradient location,

demolition of the building in which the potential dry cleaner was located, and lack of regulatory listings of concern, it is unlikely this property has the potential to significantly impact the subject property.

Copies of the fire insurance maps are included in Appendix F.

6.4 Topographic Quadrangle Map

Topographic Quadrangle Map Name	<u>Glenville, CT-NY</u>
Year published	1960
Aerial photograph year map based on	1949
Year photorevised	1971
Aerial photograph year photorevision based on	1971
Color of photorevisions	Purple
Description of Subject Property: The subject property is situated on red-tinted land indicating urban area. No buildings or structures are shown on the subject property.	
Description of Northern Adjoining Property: Urban land.	
Description of Southern Adjoining Property: Urban land.	
Description of Eastern Adjoining Property: Urban land.	
Description of Western Adjoining Property: Urban land.	

No environmental concerns were identified based upon a review of the Glenville, CT-NY topographic quadrangle map.

A portion of the USGS 7.5-minute series topographic quadrangle map of Glenville, CT-NY, which includes the subject property, is included in Appendix A.

In addition, historical topographic quadrangle maps were obtained and reviewed for possible environmental concerns for the subject and adjoining properties. Maps were obtained with published years of 1892, 1893/1897, 1898/1899, 1900, 1944/1947, 1951/1955, 1960, 1967/1971, 1975, and 2012/2013. The historic topographic maps depict no structures within the limits of the subject property with the exception of some of the earlier maps which presumably shows the residential subject building. No concerns are indicated for the subject and adjoining properties.

6.5 Prior Use Interviews

Property Contact Name	Ledwin Oviedo
Property Contact Title	President
Property Contact Company	Ledwin Enterprises, Inc.
Association with Property	Prospective Buyer
Years Associated with Subject Property	Not Provided

Property History:

Ledwin Oviedo was generally unaware of the history of the subject property prior to its current tenancy. No environmental concerns were identified during the interview with Mr. Oviedo.

6.6 Previous Reports and Plans

Property Solutions did not receive and is not aware of previous environmental reports or plans pertaining to the subject property.

Property Solutions did not review any plans pertaining to the subject property.

6.7 Chain of Title Information

A chain of title search for the subject property was not provided for review.

6.8 Activity and Use Limitations/Environmental Liens

Activity and Use Limitations (AULs) include both legal (institutional) and physical (engineering) controls. Agencies, organizations, and jurisdictions may define or utilize these terms differently.

The User did not request Property Solutions to coordinate with a title company or title professional to undertake a review of Recorded Land Title records and judicial records for environmental liens or AULs.

Therefore, no title records were searched and no information was provided for environmental liens and AULs which is the responsibility of the User. Per the ASTM standard this is considered a data gap.

6.9 Other Historical Sources

No environmentally relevant information from miscellaneous maps, newspaper archives, internet sites, community organizations, local libraries, historical societies, current owners or occupants of neighboring properties, or records in the files and/or personal knowledge of the property owner and/or occupants were provided regarding the subject property during this investigation.

6.10 Historical Use Data Failure

Per ASTM E1527-13, “8.3.2 Uses of the Property—All obvious uses of the property shall be identified from the present, back to the property’s first developed use, or back to 1940, whichever is earlier. This task requires reviewing only as many of the standard historical sources in 8.3.4.1 through 8.3.4.8 as are necessary and both reasonably ascertainable and likely to be useful (as described under Data Failure in 8.3.2.3). Such confirmation may come from one or more of the standard historical sources specified in 8.3.4.1 through 8.3.4.8, or it may come from other historical sources (such as someone with personal knowledge of the property; see 8.3.4.9). However, checking other historical sources (see 8.3.4.9) is not required. For purposes of 8.3.2, the term “developed use” includes agricultural uses and placement of fill dirt. The report shall describe all identified uses, justify the earliest date identified (for example, records showed no development of

the property prior to the specific date), and explain the reason for any gaps in the history of use (for example, data failure).”

Per ASTM E1527-13, “8.3.2.3 Data Failure—the historical research is complete when either: (1) the objectives in 8.3.1 through 8.3.2.2 are achieved; or (2) data failure is encountered. Data Failure occurs when all of the standard historical sources that are reasonably ascertainable and likely to be useful have been reviewed and yet the objectives have not been met. Data failure is not uncommon in trying to identify the use of the property at five-year intervals back to first use or 1940 (whichever is earlier). Notwithstanding a data failure, standard historical sources may be excluded if: (1) the source is not reasonably ascertainable, or (2) if past experience indicates that the source is not likely to be sufficiently useful, accurate, or complete in terms of satisfying the objectives. Other historical sources specified in 8.3.4.9 may be used to satisfy the objectives, but are not required to comply with this practice. If data failure is encountered, the report shall document the failure and, if any of the standard historical sources were excluded, give the reasons for their exclusion. If the data failure represents a significant data gap, the report shall comment on the impact of the data gap on the ability of the environmental professional to identify recognized environmental conditions.

Historical Sources Searched

Historical Source	Source Checked?	Organization	Earliest Date Obtained	Additional Information
Aerial Photos	Yes	EDR / Google Earth	1934	None
Fire Insurance Maps	Yes	EDR	1890	None
Property Tax File	Yes	Property Shark	Current	None
Recorded Land Title Records	No	N/A	N/A	N/A
USGS 7.5 Minute Topo Maps	Yes	USGS	1892	None
Local Street Directories (city directories)	Yes	EDR	1962	None
Building Department Records	Yes	Rye City Clerk	N/A	No Response
Zoning/Land Use Records	Yes	Rye City Clerk	N/A	No Response
Other Historical Sources	No	N/A	N/A	N/A
Miscellaneous Maps/Plans	No	N/A	N/A	N/A
Newspapers	No	N/A	N/A	N/A
Records	No	N/A	N/A	N/A
Other Directories/ Phone books	No	N/A	N/A	N/A

Based on the above information and sources searched above, per ASTM E1527-13 historical use information is deemed sufficient to comply with ASTM E1527-13 in regard to data failure. No significant historical use information data gaps were identified.

7.0 INTERVIEWS

The objective of interviews is to obtain information indicating Recognized Environmental Conditions in connection with the subject property as well as AULs. Property Solutions interviewed or made good faith efforts to interview the following:

Represents	Interviewed	Name and title	Comments
Current Property Owner	Yes	Adan Villeda – Property Owner	No concerns identified during the interview.
Previous Property Owner	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Owner Representative	No	Not Applicable	Refer to current property owner.
Previous Property Owner Representative	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Key Site Manager	Yes	Adan Villeda – Property Owner	Refer to current property owner.
Previous Key Site Manager	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Occupants	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Occupants	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Major Occupant	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Major Occupant	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Operator	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Operator	No	Not Applicable	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Neighboring Property Owner	No	Not Applicable	Subject property is not considered an abandoned property where there is evidence of potential unauthorized uses of the abandoned property or evidence of uncontrolled access to the abandoned property, therefore no interview with the neighboring property owners was performed.
Neighboring Property Occupants	No	Not Applicable	Subject property is not considered an abandoned property where there is evidence of potential unauthorized uses of the abandoned property or evidence of uncontrolled access to the abandoned property, therefore no interview with the neighboring property occupants was performed.

8.0 ENVIRONMENTAL RECORD SEARCH

8.1 Property-Specific Records

During the course of the assessment of the subject property, Property Solutions contacted the following local, county, and state agencies and companies via phone, letter, or in person.

8.1.1 Department of Health

Agency name	Westchester County Health Department
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	New Rochelle
State	New York
Contact date	September 10, 2021
Request medium	Fax
Response date	No Response
Form of response	Not Applicable

A response has not been received at the time of this report.

8.1.2 Fire Department

Agency name	Rye City Clerk
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Rye
State	New York
Contact date	September 10, 2021
Request medium	Online
Response date	September 10, 2021 (Acknowledgement)
Form of response	Email

Response:

The Rye City Clerk acknowledged Property Solutions' Freedom of Information Law (FOIL) request on September 10, 2021. A full response is pending.

8.1.3 Planning/Zoning Department

Agency name	Rye City Clerk
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Rye
State	New York
Contact date	September 10, 2021
Request medium	Online

Response date	September 10, 2021 (Acknowledgement)
Form of response	Email

Response:

The Rye City Clerk acknowledged Property Solutions' Freedom of Information Law (FOIL) request on September 10, 2021. A full response is pending.

8.1.4 Building Department/Inspection Department

Agency name	Rye City Clerk
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Rye
State	New York
Contact date	September 10, 2021
Request medium	Online
Response date	September 10, 2021 (Acknowledgement)
Form of response	Email

Response:

The Rye City Clerk acknowledged Property Solutions' Freedom of Information Law (FOIL) request on September 10, 2021. A full response is pending.

8.1.5 Tax Assessor/Tax Department

Property Solutions visited the Property Shark webpage, www.propertyshark.com/mason/, on September 10, 2021. The Property Shark webpage provided Property Solutions with a copy of a tax map for the subject property and the surrounding area and a copy of the tax information for the subject property.

Based on Property Solutions review of the tax map and tax information: the subject property is identified as 142.22-1-24; the subject property consists of an irregular-shaped, 0.16-acre parcel of land improved with two residential and commercial buildings constructed in pre-1890 (residential) and mid-1930s to early 1940s (commercial); the gross area of the subject buildings is approximately 4,172 square feet; and the subject property was acquired by the subject property owner Jsn Of Ny LLC on July 10, 2017.

A copy of the tax map is included in Appendix A.

8.1.6 Electric Utility

In past correspondences with Property Solutions, Con Edison has declined to respond to requests for information, as Con Edison is not a government agency and therefore not subject to the Freedom of Information Act. Therefore, Con Edison was not contacted.

8.1.7 Sewer Department/Provider

Agency name	Rye City Clerk
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Rye
State	New York
Contact date	September 10, 2021
Request medium	Online
Response date	September 10, 2021 (Acknowledgement)
Form of response	Email

Response:

The Rye City Clerk acknowledged Property Solutions' Freedom of Information Law (FOIL) request on September 10, 2021. A full response is pending.

8.1.8 Water Department/Supplier

Agency name	Rye City Clerk
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Rye
State	New York
Contact date	September 10, 2021
Request medium	Online
Response date	September 10, 2021 (Acknowledgement)
Form of response	Email

Response:

The Rye City Clerk acknowledged Property Solutions' Freedom of Information Law (FOIL) request on September 10, 2021. A full response is pending.

8.1.9 Others

No other regional or local agencies or individuals were contacted.

8.1.10 State Environmental Agency

Agency name	New York State Department of Environmental Conservation (NYSDEC)
Contact name	Not Provided
Contact title	Region 3 FOIL Coordinator
City	New Paltz
State	New York
Contact date	September 10, 2021
Request medium	Online
Response date	October 7, 2021
Form of response	Email

Response:

The NYSDEC provided incorrect files which are associated with 227 North Ridge Street in Rye Brook, New York. An additional FOIL request has been submitted to obtain files for the subject property, with the specific Spill Case number identified at the subject property (Spill No. 9803446).

8.1.11 State Online Database Information/GIS

Agency name	NYSDEC Online Databases
Contact name	Not Applicable
Contact title	Not Applicable
City	Albany
State	New York
Contact date	October 5, 2021
Request medium	Online
Response date	October 5, 2021
Form of response	Online

Response:

The subject property is listed in the NYSDEC Spill Incidents database for Spill No. 9803446. Refer to Sections 8.2 and 9.1.1 for additional information.

At the time this report was prepared, some of the above local, county, and state agencies and companies had not responded to our information request as indicated.

According to ASTM E1527-13, Section 8.1.5, information that has been requested must be reasonably ascertainable as part of performing the Phase I Environmental Assessment. Information that is reasonably ascertainable per ASTM means that information will be provided by the source within 20 calendar days of receiving a written, telephone, or in-person request.

Copies of the letters and records of communication are included in Appendix I.

8.1.12 USEPA Envirofacts

Property Solutions contacted the United States Environmental Protection Agency (USEPA) through an on-line search via the Internet to obtain information concerning the subject property. Property Solutions performed a search of Envirofacts, a USEPA-generated website that integrates data extracted from five major USEPA program systems: Aerometric Information Retrieval System (AIRS)/AIRS Facility Subsystem (AFS), Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), Permit Compliance System (PCS), Resource Conservation and Recovery Information System (RCRIS) and Toxic Chemical Release Inventory System (TRIS), using two integrating databases: Facility Index System (FINDS) and Envirofacts Master Chemical Integrator (EMCI).

Property Solutions generated a printout of all facilities under the programs identified above that are located within the subject property's zip code (10573). The subject property and adjoining properties were not listed among the sites identified during the query search. The query was executed on September 10, 2021.

A copy of the search results is included in Appendix I.

8.2 Environmental Database Information

As part of the Phase I Environmental Assessment, Property Solutions utilized Environmental Data Resources, Inc. (EDR) of Shelton, Connecticut, as an information source for regulatory agency environmental database records. The environmental database report was dated September 13, 2021.

Data supplied by EDR is included in Appendix J. This database also includes the required documentation of sources checked as per Section 8.1.8 of the ASTM standard.

The following summary of the database information is divided into two columns. The first column lists sites as identified and located by EDR within the specified distance of the subject property. The second column lists orphan sites, which could not be located by EDR due to incomplete and/or inaccurate address information included in the United States Environmental Protection Agency (USEPA)/state databases, which Property Solutions identified as potentially lying within the search distance.

Although the exact locations of the orphan sites are frequently unknown, Property Solutions attempts to evaluate the potential adverse environmental impact that these sites may have on the subject property. This evaluation consists of reviewing street names in an effort to learn whether the street on which the site is located lies within the search distance of the subject property, a drive-by view of surrounding properties during the site visit, and evaluating the site type and information provided by government agencies. The orphan sites included in the following table are those Property Solutions identified as potentially located within the identified search distance. A complete list of sites is included in Appendix J.

Environmental Database Summary

Database	Search Distance	Plottable	Orphan
National Priorities List	1 Mile	0	0
State/Tribal Hazardous Waste Sites	1 Mile	0	0
RCRA Corrective Action Treatment/Storage/Disposal (TSD) Facilities (CORRACTS)	1 Mile	0	0
Delisted National Priorities List	½ Mile	0	0
CERCLIS Sites	½ Mile	0	0
CERCLIS No Further Remedial Action Planned (NFRAP) Sites	½ Mile	2	0
RCRA Non-Corrective Action TSD Facilities	½ Mile	0	0
State/Tribal Voluntary Cleanup Sites	½ Mile	3	0
State/Tribal Brownfield Sites/CERCLIS Equivalent	½ Mile	3	0
State/Tribal Leaking Registered Storage Tank Sites	½ Mile	112	0
State/Tribal Solid Waste Landfill Sites/Facilities	½ Mile	1	0
Historic Landfills	½ Mile	0	0
Federal/State/Tribal Engineering Controls Registries	½ Mile	1	0
Federal/State/Tribal Institutional Controls Registries	½ Mile	1	0
RCRA Large Quantity Generators	Subject Property and Adjoining Properties	0	0
RCRA Small Quantity Generators	Subject Property and Adjoining Properties	0	0
State/Tribal Registered Storage Tank Sites	Subject Property and Adjoining Properties	0	0
Manifest	Subject Property	0	0
Spill/Release Sites	Subject Property	1	0
Facility Index System (FINDS)	Subject Property	0	0
Emergency Response Notification System	Subject Property	0	0

Database Summary

A complete copy of the database report is attached as an appendix to this report. Those sites noted within the search radius with a closed status from regulators, or not listed with known, documented, or suspected release sites will not be discussed below but can be referred to in the database report. The above sites are not expected to significantly impact the subject property based on the regulatory status listed. In addition, those remaining sites which are expected to be hydraulically downgradient, at a sufficient distance from the subject property, or due to the urban setting and density of the area, will not be discussed below but can be referred to in the database report. These above sites are not expected to significantly impact the subject property based on the above factors and as per ASTM E1527-13.

The following is a discussion of the database findings:

Subject and Adjoining Properties

The subject property was listed in the NY SPILLS database. The adjoining properties were listed in the following databases:

- Leaking Tanks (LTANKS)
- NY SPILLS
- EDR Historic Cleaner

Per ASTM E1527-13, if the property or any of the adjoining properties is identified on one or more of the standard environmental record sources in 8.2.1, pertinent regulatory files and/or records associated with the listing should be reviewed in accordance with 8.1.1 through 8.1.8. The purpose of the regulatory file review is to obtain sufficient information to assist the environmental professional in determining if a recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition, or a de minimis condition exists at the property in connection with the listing. If, in the environmental professional's opinion, such a review is not warranted, the environmental professional must explain within the report the justification for not conducting the regulatory file review. As an alternative, the environmental professional may review files/records from an alternative source(s).

Record information that is not publicly available, obtainable within reasonable cost and time constraints, or practically reviewable is considered as being not reasonably ascertainable and is beyond the scope of the Phase I Environmental Assessment. Record information that costs greater than \$125 to obtain or requires more than two hours of environmental scientist time to obtain and review is beyond the scope of the Phase I Environmental Assessment.

Further information regarding these listings is provided below.

State/Tribal Leaking Registered Storage Tanks

1. Site Name: Spill Number 0314125
Address: 225 Westchester Avenue
Port Chester, New York 10573
LRST ID No.: 0314125
Distance: Adjoining Property
Direction: Southeast
Gradient: Downgradient
Type of Release: Tank Failure
Type of Product: No. 2 Fuel Oil
Media Impacted: Soil
Status: Closed May 3, 2004
Potential for Impact: Low due to regulatory closure, gradient, and limitation of impacts to soil.

Spill/Release Sites

1. Site Name:	Spill Number 9803446
Address:	227 Westchester Avenue Port Chester, New York 10573
Facility ID No./Case No.:	9803446
Type of Release:	Unknown
Type of Product:	No. 2 Fuel Oil
Media Impacted:	Soils
Status:	Closed December 11, 1998
Potential for Impact:	Low due to regulatory closure.

The potential for obvious vapor encroachment from volatile organic compounds and petroleum products on the subject property or from nearby properties listed in the above databases with known or suspected releases was evaluated.

No activity and use limitations at the subject property indicating vapor encroachment was identified during this assessment.

Based on standard sources reviewed in Section 8.0 and observations made during the property visit, no significant releases of chemicals of concern have occurred on the subject property. No significant releases of chemicals of concern have/have/has occurred on the adjoining properties.

Based on the above information, no further action is recommended at this time regarding potential vapor encroachment at the subject property.

8.3 Local Lists

The below local types of records were researched or requested from third parties, the Key Site Manager or local regulatory agencies:

- Local Brownfield Lists
- Local Lists of Landfill/Solid Waste Disposal Sites
- Local Lists of Hazardous Waste/Contaminated Sites
- Local Lists of Registered Storage Tanks
- Local Land Records (For AULs)
- Records of Emergency Release Reports
- Records of Contaminated Public Wells

The above information is discussed in 8.1 and within 8.2 and was duplicative of those sections.

8.4 Database Proprietary Lists

9.1 ASTM Scope Considerations

9.1.1 Underground Storage Tanks

No evidence of underground storage tanks (USTs) was observed on the subject property during the property visit. Ledwin Oviedo was not aware of USTs on the subject property.

The subject property is listed in the NY SPILLS database in the environmental database report and the New York State Department of Environmental Conservation (NYSDEC) Spill Incidents database for Spill No. 9803446. According to these listings, the subject property was being converted from fuel oil to natural gas. Con Edison reportedly found soil contamination during the conversion activities and/or removal of the UST on June 17, 1998. The subject property was examined on June 22, 1998, but the excavation where contamination was observed had already been filled and paved over. No further information is provided in the Spill case listing summarized in the environmental database report.

Based on the information available, the removed UST contained #2 fuel oil apparently for onsite consumption at the residential building, and therefore was a non-regulated UST. While the spill case was closed on December 11, 1998, the identified soil contamination without any records of follow up investigation and remediation indicates that soil contamination remains. The listing also does not discuss the condition of the UST upon its removal; therefore, the source of the soil contamination is not identified. It should be noted that the east adjoining property at 225 Westchester Avenue has a LTANKS case related to removal of a #2 fuel oil UST in 2004.

Based on the limited information in the listings for the subject property, and no follow up investigation and remediation records, it appears that soil contamination was identified at the subject property and was not addressed. Consequently, this is identified as a recognized environmental condition. To further evaluate the site conditions, FOIL requests have been submitted to the NYSDEC for the subject property Spill Case No. 9803446 and for the adjoining property LTANKS case No. 0314125.

9.1.2 Aboveground Storage Tanks

No aboveground storage tanks (ASTs) were observed on the subject property during the property visit. Ledwin Oviedo was not aware of ASTs on the subject property.

Based upon the above information, no further action is recommended.

9.1.3 Polychlorinated Biphenyl-Containing Electrical Equipment

A visual review was conducted for the presence of electrical equipment that could contain polychlorinated biphenyls (PCBs), an environmentally regulated material used in dielectric fluid in some electrical equipment. Con Edison provides electrical service to the subject property.

The following table identifies the transformers observed on the subject property during the property visit:

Transformer No.	Location	Pad/Pole-Mounted	Owner	PCB Labels	Utility Company Markings	Staining/Leaking
Not Observed	South side of subject property	Pole-mounted	Unknown	No	No	No

Since no spills or leaks were observed in the area of the transformer, this transformer is not expected to be an environmental concern at the subject property.

Per 40 CFR 761.20 PCBs at concentrations of 50 ppm or greater, or PCB Items with PCB concentrations of 50 ppm or greater, sold before July 1, 1979, for purposes other than resale may be distributed in commerce only in a totally enclosed manner after that date.

Per 15 USC Chapter 53, Subchapter I, Section 2605(e)(2)(A), except as provided under subparagraph (B), effective one year after January 1, 1977, no person may manufacture, process, or distribute in commerce or use any polychlorinated biphenyl in any manner other than in a totally enclosed manner and (i) no person may manufacture any polychlorinated biphenyl after two years after January 1, 1977, and (ii) no person may process or distribute in commerce any polychlorinated biphenyl after two and one-half years after such date.

Based on the dates of construction (pre-1890 (residential), mid-1930s to early 1940s (commercial)) of the subject buildings, the transformer may contain PCBs.

Based upon the above information, PCB-containing electrical equipment is not expected to be an environmental concern at this time. No further action is recommended at this time.

9.1.4 Hydraulic Equipment

No evidence of hydraulic equipment was observed on the subject property during the property visit. Ledwin Oviedo was not aware of hydraulic equipment on the subject property.

Based upon the above information, no further action is recommended.

9.1.5 Chemical, Hazardous Materials, and Raw Materials Storage and Usage

Chemicals stored on the subject property are minimal quantities of domestic cleaning chemicals and paints. Based on observations made during the property visit, they are not expected to be an environmental concern at this time.

Based upon the above information, no further action is recommended at this time.

9.1.6 Waste Generation, Storage, and Disposal

Solid waste generated at the subject property consisted of domestic municipal waste and recyclable materials. Solid waste at the subject property is stored in trash containers located on the subject property. Municipal solid waste generated at the subject property is removed by the City of Port Chester (residential) and AAA Carting (commercial). Sanitary waste generated at the subject property is discharged to the City of Port Chester sanitary sewerage system.

No evidence of hazardous waste generation, storage, or disposal was observed during the property visit. Ledwin Oviedo was not aware of hazardous waste generation on the subject property.

Based upon the above information, no further action is recommended.

9.1.7 Wells, Sumps, Pits, and Floor Drains

No wells, sumps, or pits were observed on the property during the property visit. Ledwin Oviedo was not aware of wells, sumps, or pits on the subject property.

Floor drains were located in the kitchen of the commercial subject building and the partial basement of the residential subject building. No staining was observed around or near the drains. Chemical storage was not observed in the proximity of the floor drains. According to Ledwin Oviedo, the floor drains discharge to the City of Port Chester sanitary sewer system. No concerns were identified with regard to the floor drains located in the subject buildings.

Based upon the above information, no further action is recommended.

9.1.8 Stormwater Runoff and Surface Water

The subject property is partially improved with the footprints of the subject buildings and associated paved parking areas. The remainder of the subject property consists of lawn areas. Stormwater runoff is expected to exit the subject property via overland flow and enter the City of Port Chester stormwater collection system via storm drains located within the subject property's parking areas and along local roadways and discharge to the Byram River. Stormwater is also expected to percolate through the lawn areas.

The 1972 Amendments to the Federal Water Pollution Control Act (commonly known as the Clean Water Act [CWA]) prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, the CWA was again amended by Congress to require implementation of a comprehensive national program for addressing problematic non-agricultural, non-point sources of stormwater discharge. The rules and regulations of the NPDES program are included in 40 CFR 122.26.

Stormwater permitting for a property is based on the property's Standard Industrial Classification (SIC) Code (category of industrial activity). However, the NPDES program includes a "no exposure" exemption for facilities within an applicable category of industrial activity. Based on 40 CFR 122.26 B(14), the subject property must obtain an NPDES Stormwater Discharge Permit only if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery is exposed to stormwater. As materials and activities described above are not associated with the subject property, stormwater permitting is not expected to be applicable at this time.

No surface water bodies (i.e., springs or swamps) were observed on the subject property.

Based upon the above information, stormwater runoff and surface water are not expected to be environmental concerns at this time. No further action is recommended at this time.

9.1.9 Lagoons, Ponds, Septic Systems, and Separators

No evidence of lagoons, ponds septic systems, or separators was observed on the subject property during the property visit.

One grease trap is located in the Delicia Restaurant tenant space. The grease trap is reportedly serviced every three months; however, the name of the service company was not provided. No leaks or staining was observed in the vicinity of the grease trap.

Based upon the above information, no further action is recommended.

9.1.10 Stressed Vegetation, Staining, and Odors

No evidence of stressed vegetation, staining, or odors was noted on the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.1.11 Surficial Disturbance

No evidence of surficial disturbances was observed on the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.1.12 On-Property Dry Cleaners

No dry-cleaning operations were observed at the subject property at the time of the property visit. Ledwin Oviedo was not aware of dry-cleaning operations at the subject property.

The following table identifies dry cleaning operations historically located at the subject property:

Current and Historical Dry Cleaning

Dry Cleaner Name	Address	RCRA ID Number	Years of Operation
Piel's Tailor and Cleaners	227 Westchester Avenue	Unknown	At least 1962 to 1987

Refer to Section 6.1 for additional information.

9.2 ASTM Non-Scope Considerations

9.2.1 Asbestos-Containing Materials

During the course of the property visit, Property Solutions performed a preliminary review of interior, accessible areas of the subject buildings for the presence of suspect asbestos-containing materials (ACMs). This limited review was conducted for overview purposes only; additional suspect materials may exist in concealed locations (behind walls and above ceilings, within machinery, etc.). Also, not all suspect materials may have been sampled due to the condition or the location of the suspect materials. Destructive sampling of suspect ACMs was not performed. Suspect ACMs in an overall undamaged condition were not sampled, as that will damage the materials. Property Solutions will not be responsible for damaging materials or causing the materials to become friable. The USEPA defines asbestos-containing material as material containing greater than one percent asbestos. This review was not a pre-demolition/renovation survey or for regulatory submittal purposes.

Suspect and presumed ACMs were observed within the subject buildings during the property visit. The suspect and presumed ACMs are listed in the following tables.

Friable Materials

Sample No.	Description of Material	Material Classification	Sample Location	Condition	Approx. Amount	% Asbestos/ Type
NS	Acoustic Ceiling Tile	MISC	NS	Undamaged	Throughout Buildings	NS-SACM

Non-Friable Materials

Sample No.	Description of Material	Material Classification	Sample Location	Condition	Approx. Amount	% Asbestos/ Type
NS	Drywall and Joint Compound	MISC	NS	Undamaged	Throughout Buildings	NS-SACM
NS	Vinyl Floor Tile and Mastic	MISC	NS	Undamaged	Throughout Buildings	NS-PACM
NS	Plaster	SURF	NS	Undamaged	Throughout Buildings	NS-PACM

NS - Not sampled

PACM - Presumed asbestos-containing material per OSHA (pre-1981 construction)

SACM - Suspect asbestos-containing material per USEPA Green Book

MISC - Miscellaneous

SURF - Surfacing material

Based on the limited visual review conducted by Property Solutions, suspect asbestos-containing acoustic ceiling tile, vinyl floor tile and associated mastic, drywall and joint compound, as well as plaster were identified at the subject property. These materials were observed to be in an overall undamaged condition at the time of the property visit.

Per the Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1101 (Asbestos) (k) (Communication of Hazards), thermal system insulation, surfacing material, and asphalt/vinyl flooring that are present in a building constructed prior to 1981, and have not been analytically tested in accordance with 29 CFR 1926.1101 (k) (5) and determined to be non-ACM, are to be presumed to contain asbestos.

It should be noted that 29 CFR 1926.1101 applies to work activities including demolition or salvage of structures where asbestos is present and construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain asbestos.

Review of 29 CFR 1926.1101 (k) (2) (Duties of Building and Facility Owners) reveals that building and/or facility owners must notify the following persons about the location and quantity of ACM and PACM at the work sites in their buildings and facilities:

- Prospective employers applying and bidding for work whose employees can be reasonably expected to work in or adjacent to areas containing ACM and/or PACM.
- Employees of the owner who will work in or adjacent to areas containing ACM and/or PACM.
- On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing ACM and/or PACM.
- Tenants who will occupy areas containing such material.

Property Solutions recommends that prior to the performance of any renovations, remodeling, demolition, or repairs by the in-house maintenance or engineering staff or outside contractors, verification sampling of PACM in the proposed work areas should be performed to ensure that no ACM will be impacted by work activities. Any abatement or removal of asbestos-containing materials must be performed in accordance with applicable federal, state, and local regulations.

Based on the dates of construction (pre-1890 (residential), mid-1930s to early 1940s (commercial)), PACM and vinyl/asbestos flooring may be located on the subject property. As indicated above, per OSHA regulations (29 CFR 1926.1101 (k)), building owners are required, under certain circumstances, to notify maintenance people and all persons potentially exposed to PACM at the facility of the presence and location of materials that contain (or are presumed to contain) asbestos. Thermal system insulation, surfacing material, and asphalt/vinyl flooring materials that are present in a building constructed prior to 1981, and have not been analytically

tested and determined to be non-ACM, are to be presumed to contain asbestos, and should be addressed in accordance with 29 CFR 1926.1101, as well as other applicable federal, state, and local regulations.

Currently, there are no regulations requiring the removal of ACM unless it will be disturbed during renovation, repairs, or demolition. The USEPA recommends that as long as the ACM does not pose an imminent health threat, the materials can be managed under an Operations and Maintenance (O&M) Plan. Property Solutions recommends that an Asbestos-Containing Materials O&M Plan be developed and implemented at the subject property.

9.2.2 Radon

The subject property is located in Zone 3 (Low Potential) per the USEPA's Map of Radon Zones. According to the Federal Area Radon Information, 650 canisters were placed at locations in Westchester County. The mean value was 0.930 picoCuries per Liter (pCi/L) for living areas and 1.730 pCi/L for basement areas. The USEPA action level is 4.0 pCi/L.

Based on the low radon potential zone of the subject property, no further action regarding radon is recommended at this time.

9.2.3 Lead-Based Paint

Based on the dates of construction of the subject buildings (pre-1890 (residential), mid-1930s to early 1940s (commercial)), there is a potential that lead-based paints (LBPs) were used during building construction. This section is for overview purposes only and was not a lead evaluation or comprehensive survey for regulatory submission or pre-demolition/renovation.

Painted surfaces within the subject buildings were generally observed to be in an undamaged condition.

Review of 24 CFR 35 (Lead-Based Paint Poisoning Prevention in Certain Residential Structures)-Subpart A (Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property)-Section 35.88 (Disclosure Requirements for sellers and lessors), Section 35.90 (Opportunity to conduct an evaluation) and Section 35.92 (Certification and acknowledgement of disclosure) reveals the following:

This Subpart applies to the leasing or selling of target housing; which is defined as housing constructed prior to 1978. Therefore, per the definitions of this Subpart, the subject property is considered target housing.

Section 35.88 of this Subpart indicates that the lessor or seller of target housing must provide lessee or purchaser with a USEPA-approved lead hazard information pamphlet; such as the USEPA document entitled Protect Your Family from Lead in Your Home (USEPA No. 747-K-94-001).

Section 35.88 indicates that the seller or lessor shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being sold or leased, and that the seller or lessor shall provide the purchaser or lessee with any records or reports available to the seller or lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing being sold or leased.

Section 35.90 indicates that before a purchaser is obligated under any contract to purchase target housing, the seller shall permit the purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Section 35.92 of this Subpart indicates that each contract to lease target housing (such as apartments within the subject property) shall include the following Lead Warning Statement:

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Section 35.92 of this Subpart indicates that each contract to sell target housing (such as apartments within the subject property) shall include the following Lead Warning Statement:

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

If the property receives mortgage insurance under a program administered by HUD, or project based rental assistance, additional HUD and property owner requirements may apply. This is on a case by case basis and a compliance issue between HUD and the property owner.

As of August 2, 2004, New York City Local Law 1 requires owners of buildings that were constructed prior to 1960 or in buildings constructed between 1960 and 1978 where the owner knows that the building contains lead-based paint to perform the following:

- Provide a notice in English and Spanish entitled "Prevention of Lead-based Paint Hazards-Inquiry Regarding Child" upon signing lease as well as each subsequent year prior to January Sixteenth. The tenant must respond to the inquiry by February Fifteenth. Record of the notice must be maintained for ten years.
- Perform a visual inspection at least annually in dwelling units that where a child of applicable age (less than seven years old) and in common areas of the multiple dwelling for peeling paint, chewable surfaces, deteriorated subsurfaces, friction surfaces, and impact surfaces. The inspection for lead-based paint hazards shall include every surface in every room in the dwelling unit, including the interiors of closets and cabinets. Records of inspections must be maintained for ten years.

- Remediate all lead-based paint hazards in units where children under the age of seven reside. Lead-based paint hazard means any condition in a dwelling or dwelling unit that causes exposure to lead from lead-contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces that would result in adverse human health. *Chewable surfaces* mean a protruding interior window sill in a dwelling unit in multiple dwelling unit where a child of applicable age resides and which is readily accessible to such child. Chewable surface also means any other type of interior edge or protrusion in a dwelling unit in a multiple dwelling, such as a rail or stair, where there is evidence that such other edge or protrusion has been chewed or where an occupant has notified the owner that a child of applicable age who resides in that multiple dwelling has mouthed or chewed such edge or protrusion. *Deteriorated subsurface* means an unstable or unsound painted subsurface, an indication of which can be observed through visual inspection, including but not limited to, rotten or decayed wood or plaster that has been subject to moisture or disturbance. *Friction surface* means any painted surface that touches or is in contact with another surface, such that the two surfaces are capable of relative motion and abrade, scrape, or bind when in relative motion. Friction surfaces shall include, but not be limited to, window frames and jambs, doors, and hinges. *Impact surface* means any interior painted surface that shows evidence, such as marking, denting, or chipping, that is subject to damage by repeated sudden force, such as certain parts of door frames, moldings, or baseboards.
- Upon turnover of units, the owner must: 1) remediate all lead-based paint hazards; 2) make all bare floors, window sills, and window wells in the dwelling unit smooth and cleanable; 3) provide for the removal or permanent covering of all lead-based paint on friction surfaces on all doors and door frames; and 4) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all windows, or provide for the installation of replacement window channels or slides on all lead-based painted friction surfaces on all windows. This work shall be performed prior to the re-occupancy of the unit. The owner shall maintain or transfer to subsequent owner records of the work performed. Work must be performed by trained workers and safe work practices.

Property Solutions was not provided with documentation demonstrating compliance with New York City Local Law 1. Property Solutions recommends being provided with this documentation for review as well as transferring the information to the buyer of the subject property. If this information is not available, Property Solutions recommends that the owner of the subject property immediately comply with Local Law 1 and incorporate the documentation into the Lead-Based Paint Operations and Maintenance Plan.

It is the responsibility of the owner of the subject property and the Lead Program Manager (LPM) to be knowledgeable and mindful of current lead disclosure regulations. It is also the responsibility of the owner and LPM to ensure that current lead disclosure regulations are complied with at the subject property.

Based on the above information, Property Solutions recommends that a Lead-Based Paint Operations and Maintenance Plan be developed and implemented at the subject property.

9.2.4 Lead in Drinking Water

Drinking water for the subject property is provided by SUEZ – Westchester Operations. SUEZ was required to perform system-wide lead screening of their water system starting in 1992, under the USEPA "Lead and Copper Regulations" (Federal Register Volume 56, No. 26460). These regulations, promulgated in June 1991, require public water systems to perform screening and provide for public notification and corrective action to reduce the lead hazards present in the water system.

The 2020 Annual Drinking Water Quality Report informed Property Solutions that the SUEZ public water supply has met the 90th percentile for the lead action level of 15 parts per billion (ppb), and is currently in compliance with the USEPA's Lead and Copper Regulations.

9.2.5 Potential Wetlands

No evidence of wetland areas was observed on the subject property during the property visit. Review of the United States Department of the Interior, National Wetland Inventory map of Glenville, CT-NY, revealed that no delineated wetlands are located on the subject property.

Based upon the above information, wetland areas are not expected to be an environmental concern at this time. No further action is recommended.

A copy of the wetland map is included in Appendix A.

9.2.6 Air Emissions

No major air emissions sources were identified at the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.2.7 Mold/Water Intrusion

During the course of the Phase I Environmental Assessment property visit, Property Solutions performed limited observations for obvious signs of moisture, water intrusion, and potential mold at the subject property. This was performed for overview purposes only and is not a mold assessment or inspection for regulatory submittal purposes. Additional areas may exist in areas not observed or in concealed locations (behind walls and above ceiling tiles, etc.). This was a limited visual review during a Phase I Environmental Assessment property visit of easily accessible areas for obvious signs of water intrusion and potential mold. An engineering assessment and property maintenance personnel should be consulted to verify water intrusion due to engineering concerns and deficiencies and addressed as appropriate.

Molds produce tiny spores to reproduce, which waft through the indoor and outdoor air continually. When mold spores land on a damp spot indoors, they may begin growing and digesting whatever

they are growing on in order to survive. There are molds that can grow on wood, paper, carpet, and foods. When excessive moisture or water accumulates indoors, mold growth will often occur, particularly if the moisture problem remains undiscovered or un-addressed. There is no practical way to eliminate all molds and mold spores in the indoor environment; the way to control indoor mold growth is to control moisture. In addition, mold growth may be a problem after flooding.

Standards or Threshold Limit Values (TLVs) for airborne concentrations of mold, or mold spores, have not been set. Currently, there are no USEPA regulations or standards for airborne mold contaminants. Currently there are no New York State or New York City regulations for evaluating potential health effects of fungal contamination and remediation.

Ledwin Oviedo was unaware of past water damage or historic leaks.

No obvious visual evidence of mold, water intrusion, water damage, or standing water was observed in the interior portions of the subject building accessed by Property Solutions during the property visit. No musty odors indicative of a moisture problem or porous materials such as carpets and insulation in damp niches were observed during the property visit.

No botanical materials such as bark chips or potted plants in moist locations such as an atrium were observed during the property visit. No indoor water features such as fountains, indoor waterfalls, or indoor swimming pools were observed in the subject building. Ledwin Oviedo was unaware of reported odor complaints, allergic reactions, or other symptoms possibly associated with mold growth. No problems evident in the building envelope or problematic conditions surrounding the air intake were observed. No operations conducive to bioaerosol generation such as animal confinement, agricultural activities, or wetlands were observed on the subject property or adjacent properties. This limited visual review was conducted for overview purposes only; mold may exist in concealed locations (behind walls, wallpaper, and ceilings, etc.). Ledwin Oviedo was unaware of mold, water intrusion, water damage, standing water, or historic floods at the subject property.

Based on the above information, no further investigation is recommended at this time regarding moisture and mold.

10.0 CONCLUSIONS AND RECOMMENDATIONS

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the Mixed Use Property located at 227 Westchester Avenue in Port Chester, Westchester County, New York 10573. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property, except for the following:

- (1) Review of the city directories identified a potential dry cleaner on the subject property from at least 1962 to 1987 (Piel's Tailor and Cleaners). The dry cleaner was presumably located in the commercial subject building which is currently occupied by Delicia Restaurant. No other information was available. Due to the historic use of chlorinated solvents in dry cleaning operations, the absence of a RCRA hazardous waste listing for proper management and disposal practices during this time period, and the ability of chlorinated solvents to migrate through concrete floors, the former dry cleaner represents a recognized environmental condition (REC).

Due to the potential of subsurface contamination and vapor encroachment in the area of the subject buildings from the historic dry cleaning operations, Property Solutions recommends performing a limited subsurface investigation including the collection of soil, soil vapor, and groundwater samples from beneath the commercial subject building as well as the surrounding exterior areas. Based on the analytical results, indoor air sampling may be warranted.

An opinion of probable cost to perform a limited Phase II subsurface investigation to evaluate potential impacts of the former dry cleaner at the subject property is \$15,000 to \$20,000.

- (2) The subject property is listed in the NY SPILLS database in the environmental database report and the New York State Department of Environmental Conservation (NYSDEC) Spill Incidents database for Spill No. 9803446. According to these listings, the subject property was being converted from fuel oil to natural gas. Con Edison reportedly found soil contamination during the conversion activities and/or removal of the UST on June 17, 1998. The subject property was examined on June 22, 1998, but the excavation where contamination was observed had already been filled and paved over. No further information is provided in the Spill case listing summarized in the environmental database report.

Based on the information available, the removed UST contained #2 fuel oil apparently for onsite consumption at the residential building, and therefore was a non-regulated UST. While the spill case was closed on December 11, 1998, the identified soil contamination without any records of follow up investigation and remediation indicates that soil contamination remains. The listing also does not discuss the condition of the UST upon its removal; therefore, the source of the soil contamination is not identified. It should be noted that the east adjoining property at 225 Westchester Avenue has a LTANKS case related to removal of a #2 fuel oil UST in 2004.

Based on the limited information in the listings for the subject property, and no follow up investigation and remediation records, it appears that soil contamination was identified at the subject property and was not addressed. Consequently, this is identified as a recognized environmental condition. To further evaluate the site conditions, FOIL requests have been submitted to the NYSDEC for the subject property Spill Case No. 9803446 and for the

adjoining property LTANKS case No. 0314125. Property Solutions recommends conducting a file review of these two cases, to further evaluate the extent of soil contamination observed at the subject property. If upon completion of the file reviews, further investigation is warranted, the scope of investigation can be determined and completed concurrent with the recommended Phase II investigation for item (1) above.

An opinion of probable cost to conduct the recommended file reviews is \$750.

ASTM non-scope considerations are business environmental risks that are not included in the ASTM E1527-13 scope of work. The following ASTM non-scope considerations were identified at the subject property based on the findings provided in this report:

- (3) During the course of the property visit, Property Solutions performed a preliminary review of interior, accessible areas of the subject buildings for the presence of suspect asbestos-containing materials (ACMs).

Based on the limited visual review conducted by Property Solutions, suspect asbestos-containing acoustic ceiling tile, vinyl floor tile and associated mastic, drywall and joint compound, as well as plaster were identified at the subject property. These materials were observed to be in an overall undamaged condition at the time of the property visit.

Currently, there are no regulations requiring the removal of ACM unless it will be disturbed during renovation, repairs, or demolition. The USEPA recommends that as long as the ACM does not pose an imminent health threat, the materials can be managed under an Operations and Maintenance (O&M) Plan. Property Solutions recommends that an Asbestos-Containing Materials O&M Plan be developed and implemented at the subject property.

An opinion of probable cost to develop an ACM O&M Plan for the subject property is \$500.

- (4) Based on the dates of construction of the subject buildings (pre-1890 (residential), mid-1930s to early 1940s (commercial)), there is a potential that lead-based paints (LBPs) were used during building construction. Painted surfaces within the subject buildings were generally observed to be in an undamaged condition.

It is the responsibility of the owner of the subject property and the Lead Program Manager (LPM) to be knowledgeable and mindful of current lead disclosure regulations. It is also the responsibility of the owner and LPM to ensure that current lead disclosure regulations are complied with at the subject property.

Based on the above information, Property Solutions recommends that a Lead-Based Paint Operations and Maintenance Plan be developed and implemented at the subject property.

An opinion of probable cost to develop a LBP O&M Plan for the subject property is \$500.

11.0 REFERENCES

11.1 Information Sources

1. United States Geological Survey's 7.5-minute topographic quadrangle map of Glenville, CT-NY.
2. United States Department of Agriculture, Soil Conservation Services' Soil Survey of Westchester County, New York.
3. Geologic Map of New York produced by the United States Geological Survey.
4. Federal Area Radon Information by the United States Geological Survey.
5. United States Department of the Interior, National Wetland Inventory Map for Glenville, CT-NY.
6. National Water Summary 1986 – Hydrologic Events and Groundwater Quality, dated 1988, produced by the United States Geological Survey.
7. SUEZ's 2020 Annual Drinking Water Quality Report.
8. USEPA's Map of Radon Zones produced by the USEPA.
9. Aerial photographs provided by Environmental Data Resources, Inc.
10. Aerial photographs provided by Google Earth.
11. The EDR-City Directory Image Report.
12. Fire insurance maps, provided by Environmental Data Resources, Inc.
13. The EDR Radius Map with GeoCheck, produced by Environmental Data Resources, Inc.
14. Envirofacts Data Warehouse, produced by USEPA.

11.2 Definitions

Abandoned property – property that can be presumed to be deserted, or an intent to relinquish possession or control can be inferred from the general disrepair or lack of activity thereon such that a reasonable person could believe that there was an intent on the part of the current owner to surrender rights to the property.

Activity and use limitations – legal or physical restrictions or limitations on the use of, or access to, a site or facility: (1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil, soil vapor, groundwater, and/or surface water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls, are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil, soil vapor, groundwater, and/or surface water on the property. See Note 1.

NOTE 1—The term *AUL* is taken from Guide E2091 to include both legal (that is, institutional) and physical (that is, engineering) controls within its scope. Other agencies, organizations, and jurisdictions may define or utilize these terms differently (for example, EPA and

California do not include physical controls within their definitions of “*institutional controls*.” Department of Defense and International County/City Management Association use “Land Use Controls.” The term “land use restrictions” is used but not defined in the *Brownfields Amendments*).

Actual knowledge – the knowledge actually possessed by an individual who is a real person, rather than an entity. Actual knowledge is to be distinguished from constructive knowledge that is knowledge imputed to an individual or entity.

Actual Knowledge Exception – If the user or environmental professional(s) conducting an environmental site assessment has actual knowledge that the information being used from a prior environmental site assessment is not accurate or if it is obvious, based on other information obtained by means of the environmental site assessment or known to the person conducting the environmental site assessment, that the information being used is not accurate, such information from a prior environmental site assessment may not be used.

Adjoining properties – any real property or properties the border of which is contiguous or partially contiguous with that of the property, or that would be contiguous or partially contiguous with that of the property but for a street, road, or other public thoroughfare separating them.

All appropriate inquiries – that inquiry constituting all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice as defined in CERCLA, 42 U.S.C §9601(35)(B), that will qualify a party to a commercial real estate transaction for one of the threshold criteria for satisfying the LLPs to CERCLA liability (42 U.S.C §9601(35)(A) & (B), §9607(b)(3), §9607(q); and §9607(r)), assuming compliance with other elements of the defense. See ASTM E1527-13 Appendix X1.

Approximate minimum search distance – the area for which records must be obtained and reviewed pursuant to Section 8 subject to the limitations provided in that section. This may include areas outside the property and shall be measured from the nearest property boundary. This term is used in lieu of radius to include irregularly shaped properties.

Bona fide prospective purchaser liability protection – (42 U.S.C. §9607(r))—a person may qualify as a bona fide prospective purchaser if, among other requirements, such person made “all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” Knowledge of contamination resulting from all appropriate inquiries would not generally preclude this liability protection. A person must make all appropriate inquiries on or before the date of purchase. The facility must have been purchased after January 11, 2002. See ASTM E1527-13, Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Business environmental risk – a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations, some of which are identified in ASTM E1527-13, Section 13.

Comparison with Subsequent Inquiry – It should not be concluded or assumed that an inquiry was not all appropriate inquiries merely because the inquiry did not identify recognized environmental conditions in connection with a property. Environmental site assessments must be evaluated based on the reasonableness of judgments made at the time and under the circumstances in which they were made. Subsequent environmental site assessments should not be considered valid standards to judge the appropriateness of any prior assessment based on hindsight, new information, use of developing technology or analytical techniques, or other factors.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) – the list of sites compiled by EPA that EPA has investigated or is currently investigating for potential hazardous substance contamination for possible inclusion on the National Priorities List.

Controlled recognized environmental condition – a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). (See Note 2.) A condition considered by the environmental professional to be a controlled recognized environmental condition shall be listed in the findings section of the Phase I Environmental Site Assessment report, and as a recognized environmental condition in the conclusions section of the Phase I Environmental Site Assessment report. (See Note 3.)

Note 2-For example, if a leaking underground storage tank has been cleaned up to a commercial use standard, but does not meet unrestricted residential cleanup criteria, this would be considered a controlled recognized environmental condition. The “control” is represented by the restriction that the property use remain commercial.

Note 3-A condition identified as a controlled recognized environmental condition does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the required control that has been, or intended to be, implemented.

Construction debris – concrete, brick, asphalt, and other such building materials discarded in the construction of a building or other improvement to property.

Contiguous property owner liability protection – (42 U.S.C. §9607(q))—a person may qualify for the contiguous property owner liability protection if, among other requirements, such person owns real property that is contiguous to, and that is or may be contaminated by hazardous substances from other real property that is not owned by that person. Furthermore, such person conducted all appropriate inquiries at the time of acquisition of the property and did not know or have reason to know that the property was or could be contaminated by a release or threatened release from the contiguous property. The all appropriate inquiries must not result in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not

be eligible for the contiguous property owner liability protection. See ASTM E1527-13, Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Continued Viability of Environmental Site Assessment – Subject to ASTM E1527-13, Section 4.8, an environmental site assessment meeting or exceeding this practice and completed less than 180 days prior to the date of acquisition⁵ of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid.⁶ If within this period the assessment will be used by a user different than the user for whom the assessment was originally prepared, the subsequent user must also satisfy the User’s Responsibilities in ASTM E1527-13, Section 6. Subject to Section 4.8 and the User’s Responsibilities set forth in ASTM E1527-13, Section 6, an environmental site assessment meeting or exceeding this practice and for which the information was collected or updated within one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction may be used provided that the following components of the inquiries were conducted or updated within 180 days of the date of purchase or the date of the intended transaction: (i) interviews with owners, operators, and occupants; (ii) searches for recorded environmental cleanup liens; (iii) reviews of federal, tribal, state, and local government records; (iv) visual inspections of the property and of adjoining properties; and (v) the declaration by the environmental professional responsible for the assessment or update.

⁵ Under “*All Appropriate Inquiries*” 40 C.F.R. Part 312, EPA defines date of acquisition as the date on which a person acquires title to the *property*.

⁶ Subject to meeting the other requirements set forth in this section, for purpose of the *LLPs*, information collected in an assessment conducted prior to the effective date of the federal regulations for *All Appropriate Inquiries* or this practice can be used if the information was generated as a result of procedures that meet or exceed the requirements of the E1527-97 or -00 standards.

Contractual Issues Regarding Prior Assessment Usage – The contractual and legal obligations between prior and subsequent users of environmental site assessments or between environmental professionals who conducted prior environmental site assessments and those who would like to use such prior environmental site assessments are beyond the scope of this practice.

Data failure – a failure to achieve the historical research objectives in ASTM E1527-13, §8.3.1 through 8.3.2.2 even after reviewing the standard historical sources in §8.3.4.1 through 8.3.4.8 that are reasonably ascertainable and likely to be useful. Data failure is one type of data gap. See ASTM E1527-13, 8.3.2.3.

Data gap – a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.). See ASTM E1527-13 12.7.

De minimis Condition - a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis

conditions are not recognized environmental conditions nor controlled recognized environmental conditions.

Demolition debris – concrete, brick, asphalt, and other such building materials discarded in the demolition of a building or other improvement to property.

Engineering controls (EC) – physical modifications to a site or facility (for example, capping, slurry walls, or point of use water treatment) to reduce or eliminate the potential for exposure to hazardous substances or petroleum products in the soil or groundwater on the property. Engineering controls are a type of activity and use limitation (AUL).

Environmental lien – a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to) liens imposed pursuant to CERCLA 42 U.S.C. §§9607(1) & 9607(r) and similar state or local laws.

Environmental professional – a person meeting the education, training, and experience requirements as set forth in 40 CFR §312.10(b). See ASTM E1527-13 Appendix X2. The person may be an independent contractor or an employee of the user.

Fill dirt – dirt, soil, sand, or other earth, that is obtained off-site, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property. It does not include material that is used in limited quantities for normal landscaping activities.

Good faith – the absence of any intention to seek an unfair advantage or to defraud another party; an honest and sincere intention to fulfill one’s obligations in the conduct or transaction concerned.

Hazardous substance – a substance defined as a hazardous substance pursuant to CERCLA 42 U.S.C. §9601(14), as interpreted by EPA regulations and the courts: “(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, (42 U.S.C. §6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§6901 et seq.) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. §7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).” (See ASTM E1527-13, Appendix X1.)

Hazardous waste – any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of RCRA, as amended, (42 U.S.C. §6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§6901-6992k) has been suspended by Act of Congress). RCRA is sometimes also identified as the Solid Waste Disposal Act. RCRA defines a hazardous waste, at 42 U.S.C. §6903, as: “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may— (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.”

Hazardous waste/contaminated sites – sites on which a release has occurred, or is suspected to have occurred, of any hazardous substance, hazardous waste, or petroleum products, and that release or suspected release has been reported to a government entity.

Historical recognized environmental condition – a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a historical recognized environmental condition, the environmental professional must determine whether the past release is a recognized environmental condition at the time the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria). If the EP considers the past release to be a recognized environmental condition at the time the Phase I ESA is conducted, the condition shall be included in the conclusions section of the report as a recognized environmental condition.

IC/EC registries – databases of institutional controls or engineering controls that may be maintained by a federal, state or local environmental agency for purposes of tracking sites that may contain residual contamination and AULs. The names for these may vary from program to program and state to state, and include terms such as Declaration of Environmental Use Restriction database (Arizona), list of “deed restrictions” (California), environmental real covenants list (Colorado), brownfields site list (Indiana, Missouri) and the Pennsylvania Activity and Use Limitation (PA AUL) Registry.

Innocent landowner defense – (42 U.S.C. §§9601(35) & 9607(b)(3)) – a person may qualify as one of three types of innocent landowners: (i) a person who “did not know and had no reason to know” that contamination existed on the property at the time the purchaser acquired the property; (ii) a government entity which acquired the property by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; and (iii) a person who “acquired the facility by inheritance or bequest.” To qualify for the innocent landowner defense, such person must have made all appropriate inquiries on or before the date of purchase. Furthermore, the all appropriate inquiries must not have resulted in knowledge of the contamination. If it does, then such person did “know” or “had reason to know”

of contamination and would not be eligible for the innocent landowner defense. See ASTM E1527-13, Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Institutional controls (IC) – a legal or administrative restriction (for example, “deed restrictions,” restrictive covenants, easements, or zoning) on the use of, or access to, a site or facility to (1) reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or groundwater on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. An institutional control is a type of Activity and Use Limitation (AUL).

Interviews – those portions of ASTM E1527-13 practice that are contained in Section 10 and 11 thereof and address questions to be asked of past and present owners, operators, and occupants of the property and questions to be asked of local government officials.

Key site manager – the person identified by the owner or operator of a property as having good knowledge of the uses and physical characteristics of the property. See ASTM E1527-13, 10.5.1.

Landowner Liability Protections (LLPs) – landowner liability protections under CERCLA; these protections include the bona fide prospective purchaser liability protection, contiguous property owner liability protection, and innocent landowner defense from CERCLA liability. See 42 U.S.C. §§9601(35)(A), 9601(40), 9607(b), 9607(q), 9607(r).

Level of Inquiry is Variable – Not every property will warrant the same level of assessment. Consistent with good commercial and customary practice, the appropriate level of environmental site assessment will be guided by the type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry.

Major occupants – those tenants, subtenants, or other persons or entities each of which uses at least 40 % of the leasable area of the property or any anchor tenant when the property is a shopping center.

Material threat – a physically observable or obvious threat which is reasonably likely to lead to a release that, in the opinion of the environmental professional, is threatening and might result in impact to public health or the environment. An example might include an aboveground storage tank system that contains a hazardous substance and which shows evidence of damage. The damage would represent a material threat if it is deemed serious enough that it may cause or contribute to tank integrity failure with a release of contents to the environment.

Migrate/migration – for the purposes of this practice, “migrate” and “migration” refers to the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface. See Note 4.

Note 4-Vapor migration in the subsurface is described in Guide E2600; however, nothing in this practice should be construed to require application of the Guide E2600 standard to achieve compliance with all appropriate inquiries.

Not Exhaustive – All appropriate inquiries does not mean an exhaustive assessment of a property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an environmental site assessment and the reduction of uncertainty about unknown conditions resulting from additional information.

Obvious – that which is plain or evident; a condition or fact that could not be ignored or overlooked by a reasonable observer while visually or physically observing the property.

Occupants – those tenants, subtenants, or other persons or entities using the property or a portion of the property.

Operator – the person responsible for the overall operation of a facility.

Owner – generally the fee owner of record of the property.

Petroleum exclusion – the exclusion from CERCLA liability provided in 42 U.S.C. §9601(14), as interpreted by the courts and EPA: “The term (hazardous substance) does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

Petroleum products – those substances included within the meaning of the petroleum exclusion to CERCLA, 42 U.S.C. §9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Subparagraphs (A) through (F) of 42 U.S.C. §9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to Standard Definitions of Petroleum Statistics.⁴)

⁴ *Standard Definitions of Petroleum Statistics*, American Petroleum Institute, Fifth Edition, 1995.

Practically reviewable – information that is practically reviewable means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the property without the need for extraordinary analysis of irrelevant data. The form of the information shall be such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the property or a geographic area in which the property is located are not generally practically reviewable. Most databases of public records are practically reviewable if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record

system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally practically reviewable. Listings in publicly available records which do not have adequate address information to be located geographically are not generally considered practically reviewable. For large databases with numerous records (such as RCRA hazardous waste generators and registered underground storage tanks), the records are not practically reviewable unless they can be obtained from the source agency in the smaller geographic area of zip codes. Even when information is provided by zip code for some large databases, it is common for an unmanageable number of sites to be identified within a given zip code. In these cases, it is not necessary to review the impact of all of the sites that are likely to be listed in any given zip code because that information would not be practically reviewable. In other words, when so much data is generated that it cannot be feasibly reviewed for its impact on the property, it is not practically reviewable.

Prior Assessment Usage – The ASTM E1527-13 practice recognizes that environmental site assessments performed in accordance with this practice will include information that subsequent users may want to use to avoid undertaking duplicative assessment procedures. Therefore, this practice describes procedures to be followed to assist users in determining the appropriateness of using information in environmental site assessments performed more than one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction. The system of prior assessment usage is based on the following principles that should be adhered to in addition to the specific procedures set forth elsewhere in the ASTM E1527-13 practice.

Property – the real property that is the subject of the environmental site assessment described in the ASTM E1527-13 practice. Real property includes buildings and other fixtures and improvements located on the property and affixed to the land.

Publicly available – information that is publicly available means that the source of the information allows access to the information by anyone upon request.

Reasonably Ascertainable – information that is (1) publicly available, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable.

Reasonable time and cost – information that is obtainable within reasonable time and cost constraints means that the information will be provided by the source within 20 calendar days of receiving a written, telephone, or in-person request at no more than a nominal cost intended to cover the source's cost of retrieving and duplicating the information. Information that can only be reviewed by a visit to the source is reasonably ascertainable if the visit is permitted by the source within 20 days of request.

Recognized environmental conditions – the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a

material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

Recorded land title records – records of historical fee ownership, which may include leases, land contracts, and AULs on or of the property recorded in the place where land title records are, by law or custom, recorded for the local jurisdiction in which the property is located. (Often such records are kept by a municipal or county recorder or clerk.) Such records may be obtained from title companies or directly from the local government agency. Information about the title to the property that is recorded in a U.S. district court or any place other than where land title records are, by law or custom, recorded for the local jurisdiction in which the property is located, are not considered part of recorded land title records. See ASTM E1527-13 8.3.4.4.

Release – a release of any hazardous substance or petroleum product shall have the same meaning as the definition of “release” in CERCLA 42 U.S.C. § 9601(22)). For additional background information, see Legal Appendix (Appendix X1) to X1.1.1 “Releases and Threatened Release.”

Relevant experience (as used in the definition of environmental professional) – participation in the performance of all appropriate inquiries investigations, environmental site assessments, or other site investigations that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases or threatened releases (see §312.1(c)) to the subject property.

Rules of Engagement – The contractual and legal obligations between an environmental professional and a user (and other parties, if any) are outside the scope of this practice. No specific legal relationship between the environmental professional and the user is necessary for the user to meet the requirements of this practice.

Uncertainty Not Eliminated – No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and this practice recognizes reasonable limits of time and cost.

Use of Prior Information – Subject to the requirements set forth in ASTM E1527-13, Section 4.6, users and environmental professionals may use information in prior environmental site assessments provided such information was generated as a result of procedures that meet or exceed the requirements of this practice. However, such information shall not be used without current investigation of conditions likely to affect recognized environmental conditions in connection with the property. Additional tasks may be necessary to document conditions that may have changed materially since the prior environmental site assessment was conducted.

User – the party seeking to use Practice E1527 to complete an environmental site assessment of the property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager. The user has specific obligations for completing a successful application of this practice as outlined in ASTM E1527-13, Section 6.

Visually and/or physically observed – during a site visit pursuant to this practice, this term means observations made by vision while walking through a property and the structures located on it and observations made by the sense of smell, particularly observations of noxious or foul odors. The term “walking through” is not meant to imply that disabled persons who cannot physically walk may not conduct a site visit; they may do so by the means at their disposal for moving through the property and the structures located on it.

11.3 Acronyms

ACM – asbestos-containing material

AST – aboveground storage tank

ASTM – American Society for Testing and Materials

AUL – Activity and Use Limitations

bgs – below ground surface

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act of 1980 (as amended, 42 USC § 9601 et seq.)

CERCLIS – Comprehensive Environmental Response, Compensation and Liability Information System (maintained by EPA)

CFR – Code of Federal Regulations

CORRACTS – Facilities subject to Corrective Action under RCRA

CREC – Controlled recognized environmental condition

EA – Environmental assessment

ECRA – Environmental Cleanup Responsibility Act

EDR – Environmental Data Resources, Inc.

EPA – United States Environmental Protection Agency

EPCRA – Emergency Planning and Community Right to Know Act ((also known as SARA Title III), 42 USC § 11001 et seq.)

ERNS – Emergency Response Notification System

ESA – Environmental Site Assessment (different than an *environmental compliance audit*, 3.2.27)

FOIA – U.S. Freedom of Information Act (5 U.S.C. §552 as amended by Public Law No. 104-231, 110 Stat.)

FR – Federal Register

HREC – Historical recognized environmental condition

ICs – Institutional Controls

ISRA – Industrial Site Recovery Act

LBP – Lead-based paint

LLP – Landowner Liability Protections under the *Brownfields Amendments*

LRST – Leaking registered storage tank

LUST – Leaking underground storage tank
MSDS – Material safety data sheet
NCP – National Contingency Plan
NFRAP – former CERCLIS sites where no further remedial action is planned under CERCLA
NPDES – National Pollutant Discharge Elimination System
NPL – National Priorities List
NVLAP – National Voluntary Laboratory Accreditation Program
OSHA – Occupational Safety and Health Administration
PACM – Presumed asbestos-containing material
PCBs – Polychlorinated biphenyls
PLM – Polarized light microscopy
PRP – Potentially responsible party (pursuant to CERCLA 42 USC § 9607(a))
RCRA – Resource Conservation and Recovery Act (as amended, 42 USC § 6901 et seq.)
RCRIS – Resource Conservation and Recovery Act Information System
REC – Recognized environmental condition
ROC – Record of communication
RST – Registered storage tank
SACM – Suspect asbestos-containing material
SARA – Superfund Amendments and Reauthorization Act of 1986 (amendment to CERCLA)
SIC – Standard Industrial Classification
TEM – Transmission electron microscopy
TSDf – Hazardous waste treatment, storage or disposal facility
USC – United States Code
USEPA – United States Environmental Protection Agency
USGS – United States Geological Survey
UST – Underground storage tank