

LETTER OF TRANSMITTAL

To: New York Department Environ. Conservation
David Crosby, Project Manager
Division of Environmental Remediation
625 Broadway
Albany, New York 12233

RECEIVED

7/10/14

Remedial Litig. C
Div of Environmental Remediation

DATE: February 3, 2014

JOB NO.: C1525

ATT: David Crosby

RE: 500 Mamaroneck Ave, Harrison, NY

We Are Sending You:

| | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Attached | <input type="checkbox"/> Under Separate Cover via: | |
| <input type="checkbox"/> Prints | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples |
| <input type="checkbox"/> Specifications | <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Other (explain): | |

| Copies | Date | No. | Description |
|--------|---------------|-------|--|
| 1 | Jan. 31, 2014 | C1525 | Periodic Review Report, VCP Site No. V00213 500 Mamaroneck Avenue, Harrison, NY |
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These Are Transmitted (as checked below):

| | | | |
|--|--|---------------------------------------|-------------------------|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved | <input type="checkbox"/> Resubmit | Copies for Approval |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Corrected | <input type="checkbox"/> Submit | Copies for Distribution |
| <input checked="" type="checkbox"/> As Requested | <input type="checkbox"/> Revise & Resubmit | <input type="checkbox"/> Return | Corrected Prints |
| <input type="checkbox"/> For Review & Comment | <input type="checkbox"/> Returned After Loan to Us | <input type="checkbox"/> For Bids Due | |

Remarks:

Copy To: File

Signed:


Michael C. Feldman Principal/Senior Engineer



January 31, 2014
CONECO Project No. C1525

New York State Department of Environmental Conservation
David Crosby, Project Manager
Division of Environmental Enforcement
Bureau of Superfund and Brownfield Restoration, 14th Floor
625 Broadway
Albany, New York 12233-1500

RECEIVED
1/31/14
0921
Remedial Bureau C
Div of Environmental Remediation

Re: **Periodic Review Report**
Agreement Index No. W3-0851-99-05
VCP Site No. V00213
Commercial Property: 500 Mamaroneck Avenue, Harrison, NY

David Crosby:

On behalf of Empire State Realty Trust (ESRT), Coneco Engineers & Scientists (CONECO) is pleased to submit this **Periodic Review Report** for the property located at 500 Mamaroneck Avenue in Harrison, New York, hereinafter referred to as the "Site".

In accordance with the terms of the Voluntary Agreement, Attachment C, entered into between the New York State Department of Environmental Conservation (the "Department") and 500 Mamaroneck Avenue Associates (the "Volunteer") now identified as Empire State Realty Trust (ESRT), and as part of the Site Remedy the NYDEC requires that sites in active State Management (SM) require the submittal of a Periodic Progress Report which includes an inspection and certification be provided, stating that the Site engineering controls are in place and effective.

The Site Remedy contained in the Remedial Action Plan Final Report (Report) prepared by Environmental Resources Management dated January 2005, and submitted to the NYDEC and approved by the NYDEC, consists of institutional and engineering controls. The engineering controls consist of the existing asphalt parking lots and landscaping and vegetative cover over the "southern berm" and the "northwest section." The engineering controls, specifically the existing asphalt pavement, acts as a protective barriers to ensure no direct exposure to residual lead and polycyclic aromatic hydrocarbons (PAHs) in the historical underlying fill material associated with the former Harrison Incinerator, which operated at the Site from approximately 1954 to 1980.

The Site Management Plan of the Report includes a Soil Management Plan, which ensures that engineering controls including the existing asphalt paved parking lots and vegetative cover are in place, maintained and effective in preventing direct contact by workers and/or occupants of the Site building, with the historical impacted fill material located beneath the asphalt pavement and vegetative areas designated in the Remedial Action Plan.

SITE DESCRIPTION:

The Site is located on the east side of Mamaroneck Avenue, approximately 2,000-feet south of Union Avenue in Harrison, Westchester County, New York. The approximately 34.5-acre Site, roughly rectangular in shape, is improved with a five-story office building, and has

approximately 985-feet of frontage along Mamaroneck Avenue. A Site Locus Plan and Site Plan are attached as Figure 1 and Figure 2, respectively.

Approximately 14-acres of the Site have been improved with an office building having a footprint of 1.5-acres, 9-acres of bituminous asphalt paved parking areas (north and south of the Site structure), and an undeveloped portion of the Site to the east which serves as a “buffer area” for adjacent residential properties. The Site is services by municipal water and sewer.

PERIODIC INSPECTION:

CONECO completed the Site inspection of the entire Site on December 29, 2013. CONECO’s inspection included all exterior portions of the Site. Weather conditions on the day of the inspection were cloudy with temperatures in the 40s. The Site was traversed on foot to identify any evidence of deterioration of the existing *engineering controls* including the entire asphalt paved parking lots and driveways, landscaped areas throughout the Site, and the “Southern Berm”. Site photographs of the *engineering controls* at the Site are included as Attachment B.

In addition to the December 29, 2013 Periodic Inspection of the Site, daily inspections of the engineering controls are performed by the Site Building Engineer and his staff, to ensure that engineering controls are operating as designed. These daily inspections are performed by ESRT Building Engineer Norbert Ostaszewski. In the event that an engineering control deficiency is identified during the daily inspections, the deficiency is reported and immediately resolved.

Since 2009, the only engineering control deficiencies have included minor cracks or deterioration of the asphalt paved surfaces. ESRT renews an annual contract with an asphalt paving company, AIKLER Asphalt Pavement Company, Inc. of the Bronx, New York for the repair of the asphalt paved surfaces.

Asphalt Pavement

Observed Problem Areas:

During the December 29, 2013 inspection, three (3) deficient areas were identified in the northern portion of the Site asphalt paved parking lot. Photographs of the deficiencies are provided in the Site Photographs, Attachment B.

Area 1: At the southeast corner of the southern parking lot, CONECO observed an area approximately 10-feet long and 18-inches wide where the top layer of asphalt has deteriorated. The base course of asphalt in this area is intact acting as a protective barrier to ensure no direct exposure to underlying fill material. Corrective Action to this area will be performed in the Spring of 2014, by replacing the top course of asphalt pavement.

Area 2: At the south end of Parking Lane 6, located on the south side of the Site building, CONECO observed an approximately 3-foot diameter deteriorated section of the asphalt paved parking lot. The top course of asphalt is in pieces and some has washed away. The base course of asphalt in this area is intact acting as a protective barrier to ensure no direct exposure to underlying fill material. Corrective Action to this area will be performed in the Spring of 2014, by replacing the top course of asphalt pavement

Area 3: At the middle of Parking Lane 1, located on the south side of the Site building, CONECO observed an approximately 2-foot diameter depression in the asphalt. This area has been patched to prevent further deterioration. The asphalt in the depression is intact acting as a protective barrier to ensure no direct exposure to underlying fill material.

Corrective Action to this area will be performed in the Spring of 2014, by filling the depression, approximately 3-inches deep, and replacing the asphalt pavement.

Small cracks in the driveway areas, both north and south sides, and throughout the Site parking lots were observed to have been sealed, evidence of routine inspection and repair. No open cracks were observed on any portion of the Site paved parking lot during the Periodic Inspection performed by CONECO on December 29, 2013.

Corrective Action:

Corrective Action will be performed on the three (3) above identified areas, (**Area 1, Area 2, and Area 3**) in the Spring of 2014, by replacing the top course of asphalt pavement. No other Corrective action is recommended at this time.

Landscaped Areas

Observed Problem Areas:

No problem areas and/or deficiencies were observed in the **landscaped areas** across the entire Site during the December 29, 2013 Periodic Inspection. No bare spots, erosion rivulets, washouts or soil slides were observed.

Corrective Action:

No Corrective action was recommended.

Vegetative Slopes along Southern Berm

Observed Problem Areas:

No problem areas and/or deficiencies were observed along both the north and south side of the **Southern Berm** during the December 29, 2013 Periodic Inspection. No bare spots, erosion rivulets, washouts or soil slides were observed.

Corrective Action:

No Corrective action was recommended.

It is CONECO Engineers and Scientists (CONECO) opinion that the Site Engineering Controls for the Site, 500 Mamaroneck Avenue, NYDEC Site No. V00213 are in place and effective.

The Institutional &Engineering Controls Certification Form for the Site is attached to this report as Attachment A.

The Remedy Inspection Form for the Site completed on December 29, 2013 is attached to this report as Attachment B.

If you have any questions or require additional information, please contact the undersigned at (860) 659-8558.

Sincerely,
Coneco Engineers & Scientists



Michael C. Feldman
Principal/Senior Engineer

Cc: Patrick Philbin, W&M Properties, Inc., Property Manager.

FIGURES:

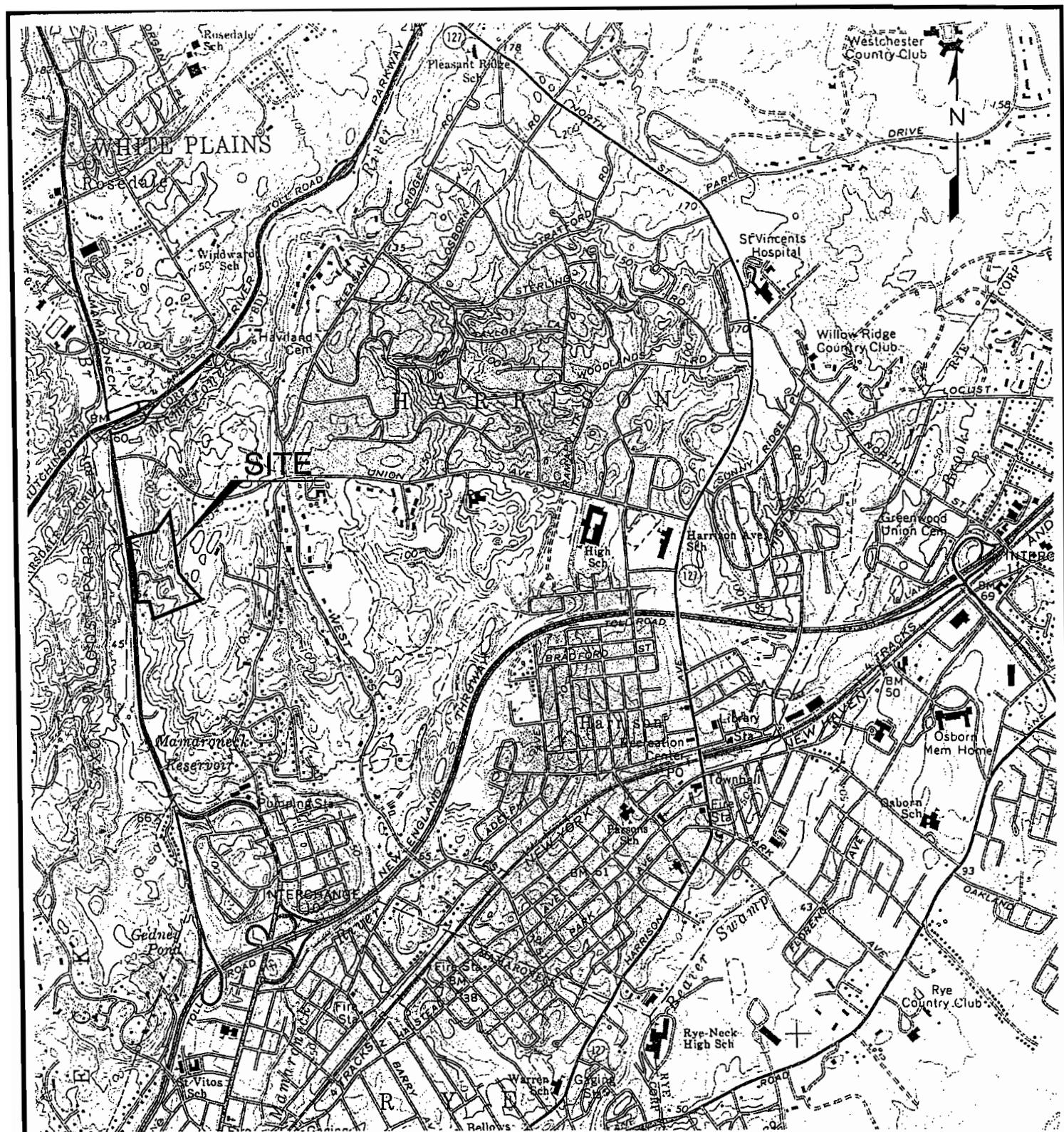
Figure 1-1: Site Locus Plan

Figure 1-2: Site Plan

ATTACHMENTS:

| | |
|--|--------------|
| Attachment A: Institutional & Engineering Controls Certification Form | Tab 1 |
| Attachment B: Remedy Inspection Form | Tab 2 |
| Attachment C: Site Photographs..... | Tab 3 |

FIGURES

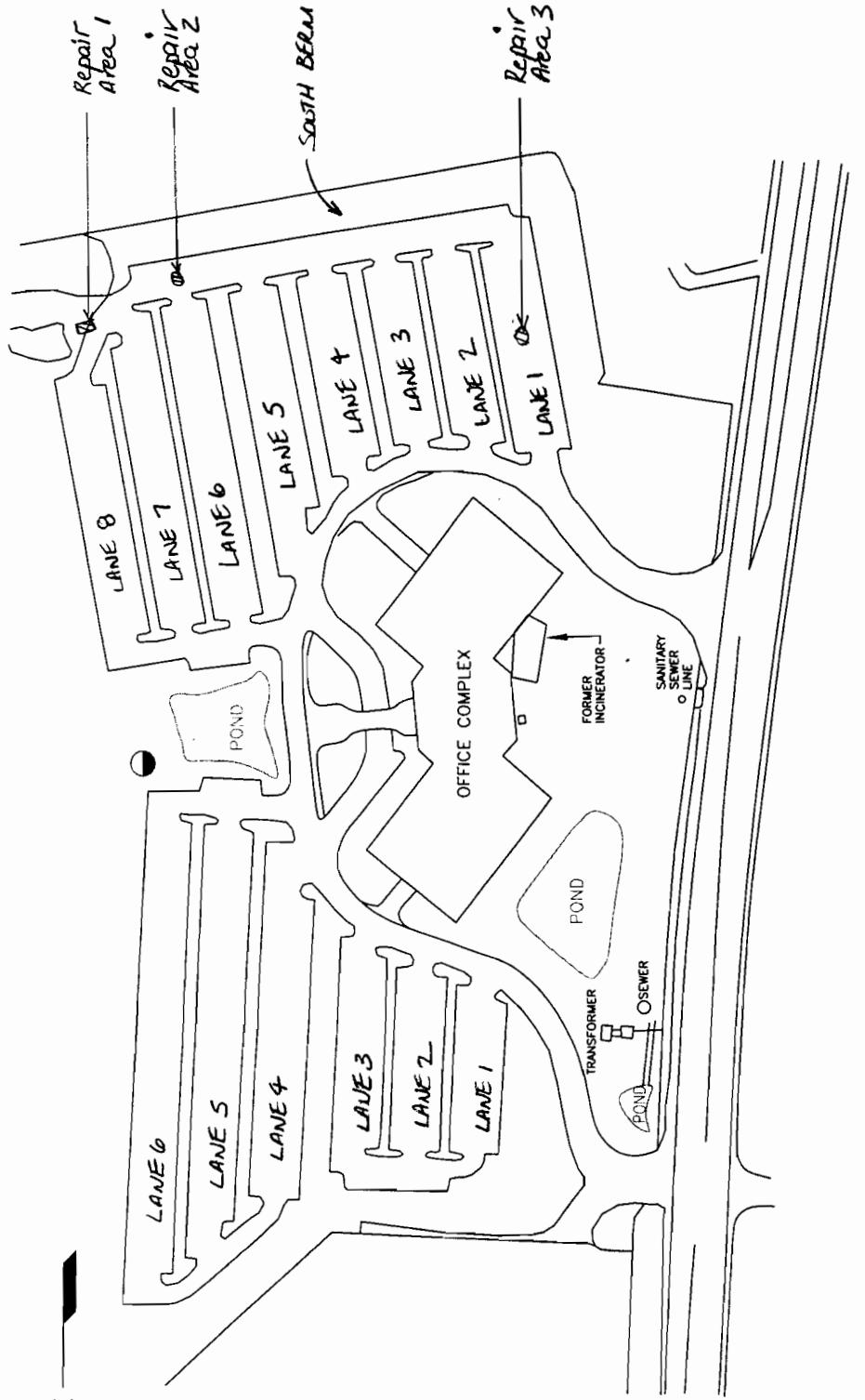


0 2000' 4000'
APPROX. GRAPHIC SCALE

TITLE
SITE LOCATION MAP
500 MAMARONECK AVENUE
HARRISON, NY

PREPARED FOR
500 MAMARONECK AVE. ASSOCIATES

| ERM | Environmental Resources Management | SCALE | FIGURE |
|--------|------------------------------------|------------|------------|
| | | GRAPHIC | 1-1 |
| DRAWN: | Y.S. | JOB NO.: | X8101.00 |
| | | FILE NAME: | X810100025 |
| | | DATE | 10/08/02 |



| | |
|--|--|
| SITE PLAN | |
| 500 Mamaroneck Avenue | |
| PREPARED FOR 500 MAMARONECK AVENUE ASSOCIATES | |
| ERM Environmental Resource Management G.G. | SCALE 1" = 120' FILE NO. KB101.00.01 DATE 11/1/99 |
| ERM Environmental Resource Management G.G. | 2 FILE NO. 145-00003 |

ATTACHMENT A

**INSTITUTIONAL & ENGINEERING CONTROLS
CERTIFICATION FORM**



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form

| Site Details | | Box 1 |
|---|-----------------------|---|
| Site No. | V00213 | |
| Site Name 500 Mamaroneck Avenue | | |
| Site Address: | 500 Mamaroneck Avenue | Zip Code: 10528 |
| City/Town: | Harrison | |
| County: | Westchester | |
| Site Acreage: | | |
| Reporting Period: September 15, 2007 to November 04, 2013 | | |
| | | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| 1. Is the information above correct? | | |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Box 2 | | |
| | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 6. Is the current site use consistent with the use(s) listed below? | | |
| Industrial | | |
| 7. Are all ICs/ECs in place and functioning as designed? | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue. | | |
| A Corrective Measures Work Plan must be submitted along with this form to address these issues. | | |
| | | |
| Signature of Owner, Remedial Party or Designated Representative | | 2/3/14 Date |

SITE NO. V00213

Box 3

Description of Institutional Controls

| <u>Parcel</u> | <u>Owner</u> | <u>Institutional Control</u> |
|---------------|---------------------------|------------------------------|
| 482-8-26 | Empire State Realty Trust | Soil Management Plan |

The property is restricted to commercial landuse.

Use as a day care, child care, or medical care facility (other than out-patient care) is restricted.

Maintain the cover / cap system identified in the RAWP.

Groundwater is not to be used for potable purposes unless the relevant agency provides written permissions except that the groundwater may be used for decorative fountains, waterfalls and other similar purposes consistent with the current use.

Compliance with the Site Management Plan for any work intrusive work conducted at the soil cover areas.

Annual certification that the engineering and institutional controls are in place.

| | | |
|------------|---------------------------|--|
| 482-8-26.1 | Empire State Realty Trust | Ground Water Use Restriction Soil Management Plan |
|------------|---------------------------|--|

The property is restricted to commercial landuse.

Use as a day care, child care, or medical care facility (other than out-patient care) is restricted.

Maintain the cover / cap system identified in the RAWP.

Groundwater is not to be used for potable purposes unless the relevant agency provides written permissions except that the groundwater may be used for decorative fountains, waterfalls and other similar purposes consistent with the current use.

Compliance with the Site Management Plan for any work intrusive work conducted at the soil cover areas.

Annual certification that the engineering and institutional controls are in place.

Box 4

Description of Engineering Controls

| | |
|---------------|----------------------------|
| <u>Parcel</u> | <u>Engineering Control</u> |
| 482-8-26 | Cover System |

| | |
|------------|--------------|
| 482-8-26.1 | Cover System |
|------------|--------------|

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

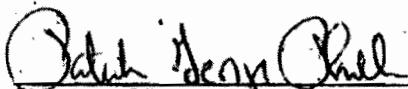
2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) If a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.



Signature of Owner, Remedial Party or Designated Representative

2/3/14

Date

IC CERTIFICATIONS
SITE NO. V00213

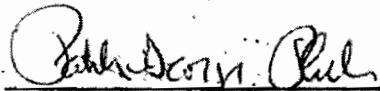
Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Patrick George Philbin at Empire Site Cleaning Trust So. Management, LLC
print name One Station Plaza, Stamford, CT 06901
print business address
am certifying as (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

2/3/14

Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I MICHAEL C. FELDMAN at Conoco Engineers & Scientists Corp.
print name print business address
90 National Drive, Glastonbury, CT 06033
am certifying as a Qualified Environmental Professional for the _____
(Owner or Remedial Party)

Michael C. Feldman

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

1/19/2014

Date

ATTACHMENT B

REMEDY INSPECTION FORM

ATTACHMENT C

SITE PHOTOGRAPHS



**Southeast corner of parking lot, top layer pealing (10-feet by 18-inches), base layer intact,
to be repaired in Spring 2014.**



Southern Berm area in very good condition, no erosion observed.



Parking Lane 8, southern upper parking lane observed to be in very good condition.



View looking west along southern edge of asphalt parking lot. One area to be repaired see next page, no other cracks or erosion observed.



3-foot diameter repair area at south end Parking Lane 6, south side building, to be repaired in Spring 2014. Base layer intact.



Parking Lane 3, south side building, in very good condition no repairs.



Southwestern Berm in very good condition, no repairs.



Parking Lane 2, south side building, very good condition no repairs.



Parking Lane 1, south side of building, very good condition with one repair see below.



Parking Lane 1, south side building, approximately 2-foot diameter sink-hole, base layer intact, repair in Spring 2014.



Southeastern Berm, very good condition, no erosion.



Southwestern corner of Site, very good condition no repairs.



Driveway along south side of building, very good condition.



Pond area, very good condition no erosion.



Parking Lane 6, north side of building, very good condition.



Parking Lane 5, north side of building, very good condition.



Parking Lane 4, north side of building, very good condition.



Parking Lane 3, north side of building, very good condition.



Driveway on north side of building, very good condition.



Landscaped area west of building, very good condition, no erosion.