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PERIODIC REVIEW REPORT

500 MAMARONECK AVENUE: VCP SITE No. V00213 Harrison, New York

Submitted To:

William Bennett, Project Manager New York State Department of Environmental Conservation Division of Environmental remediation, BURC 625 Broadway Albany, NY 12233-7014

Prepared By:

Coneco Engineers & Scientists 90 National Drive Glastonbury, CT 06033

December 11, 2018

CONECO PROJECT NO. C873 ESRT



December 11, 2018 CONECO Project No. C873 ESRT

William Bennett, Project Manager New York State Department of Environmental Conservation Division of Environmental Remediation, BURC 625 Broadway Albany, New York 12233-7014

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

William Bennett:

On behalf of 500 Mamaroneck Avenue, L.P. and Viviane Paris, LLC, Coneco Engineers & Scientists (CONECO) is please to submit this Periodic Progress Report (PPR) for the property located at 500 Mamaroneck Avenue in Harrison, New York, hereinafter referred to as the "Site". The Site is in active Site Management (SM) and is required by NYDEC to submit a PPR documenting the implementation of, and compliance with, site-specific SM requirements.

After NYDEC reviewed the PPR and IC/EC Certification annual reports for the Site submitted by CONECO on September 15, 2007 to November 4, 2013, NYDEC extended PPR and IC/EC submittals to every 5-years. The original date for this submittal was December 4, 2018. On November 26, 2018, CONECO requested a schedule extension, which was granted by NYDEC with the PRP due by January 31, 2019.

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"), and as part of the Site Remedy the NYDEC requires that an annual 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 barrier to ensure no direct exposure to residual lead and polyaromatic hydrocarbons (PAHs) in the historical underlying fill material associated with the formed Harrison Incinerator, which operated at the Site from approximately 1954 to 1980.

CIVIL DESIGN & LAND PLANNING

SURVEYING

GEOTECHNICAL ENGINEERING

ENVIRONMENTAL CONSULTING

REGULITORY COMPLIANCE & PERMITTING

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 1-1, 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 Zone" for adjacent residential properties. The Site is services by municipal water and sewer.

ANNUAL CERTIFICATION:

As part of this **Annual Certification**, CONECO Senior Project Engineer, Michael Feldman, and Empire State Realty Trust (ESRT) Building Engineer, Norbert Ostaszewski, have performed inspection of the Site.

Mr. Ostaszewski and Mr. Feldman performed Site inspection on December 10, 2018.

For this Site inspections a Remedy Inspection Form (Table 8-2) as contained in the Remedial Action Work Plan dated January 2005, prepared by ERM, and approved by the NYDEC on May 5, 2005, (see Attachment 3).

In addition, Site photographs of the *engineering controls* at the Site including the asphalt paved parking areas, landscaped areas, Southern Berm and eastern Buffer Zone are included as Attachment B.

Semi-annual inspections performed by the Site Building Engineer and his staff, daily inspections are performed to ensure that there are no problems with the engineering controls at the Site including the asphalt paved parking areas, landscaped areas, and Southern Berm. These daily inspections are performed by Building Engineer Norbert Ostaszewski, or one or more of his staff.

ENGINEERING CONTROLS

Asphalt Pavement

Observed Problem Areas:

No significant problem areas were identified during December 10, 2018 Site inspection.

Historically the entire north parking lot was repaved with bituminous asphalt in August 2007, and the entire south parking lot was repaved with bituminous asphalt in spring 2008.

Both the north and south driveways into the Site were repaved with a 2-inch layer of bituminous asphalt in June/July 2018.

During the performance of the December 10, 2018 Site inspection, CONECO noticed several areas across the asphalt paved parking areas where small cracks have developed do to weathering. CONECO observed that these small cracks were in the top layer of asphalt only and did not penetrated into the base layer of asphalt. Therefore, no areas of soil exposure were observed.

Corrective Action:

At this time no corrective actions are recommended. According to the Site Engineer, Norbert Ostaszewski, the entire south parking lot is scheduled to be repaved in the spring/summer of 2019. At the time that the south parking lot is repaved, the north parking lot cracks are planned to be repaired. In addition, the entire north parking lot is scheduled to be paved in the spring/summer of 2020.

Landscaped Areas

Observed Problem Areas:

No problem areas and/or deficiencies were observed in the landscaped areas across the entire Site during the December 10, 2018 Site 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 10, 2018 Site inspections. No bare spots, erosion rivulets, washouts or soil slides were observed.

Corrective Action:

No Corrective action was recommended.

External Buffer Zone

At the time the Site was developed with the existing office building and associated asphalt paved parking lots and landscaped areas, the Harrison Board of Zoning required that approximately 20-acres of the Site be set aside as buffer between the office building and adjoining residences to the east. Therefore the "Eastern Buffer Zone" was established. This buffer zone consists of heavily wooded land and a seasonal pond located on the eastern portion of the Site, abutting the asphalt paved parking areas.

CONECO traversed the buffer zone on foot to verify that no development or changes to the landscape have occurred. At the time of the Site inspection performed on December 10, 2018, the buffer zone was observed to remain undeveloped and unchanged since the last Site inspection performed in 2008.

Corrective Action:

No Corrective action was recommended.

It is CONECO Engineers and Scientists (CONECO) opinion that the Site Engineering Controls for the year 2018 are in place and effective.

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: Clara L. Sanchez, RPA, Project Manager, Empire State Realty Trust, Inc.

FIGURES:

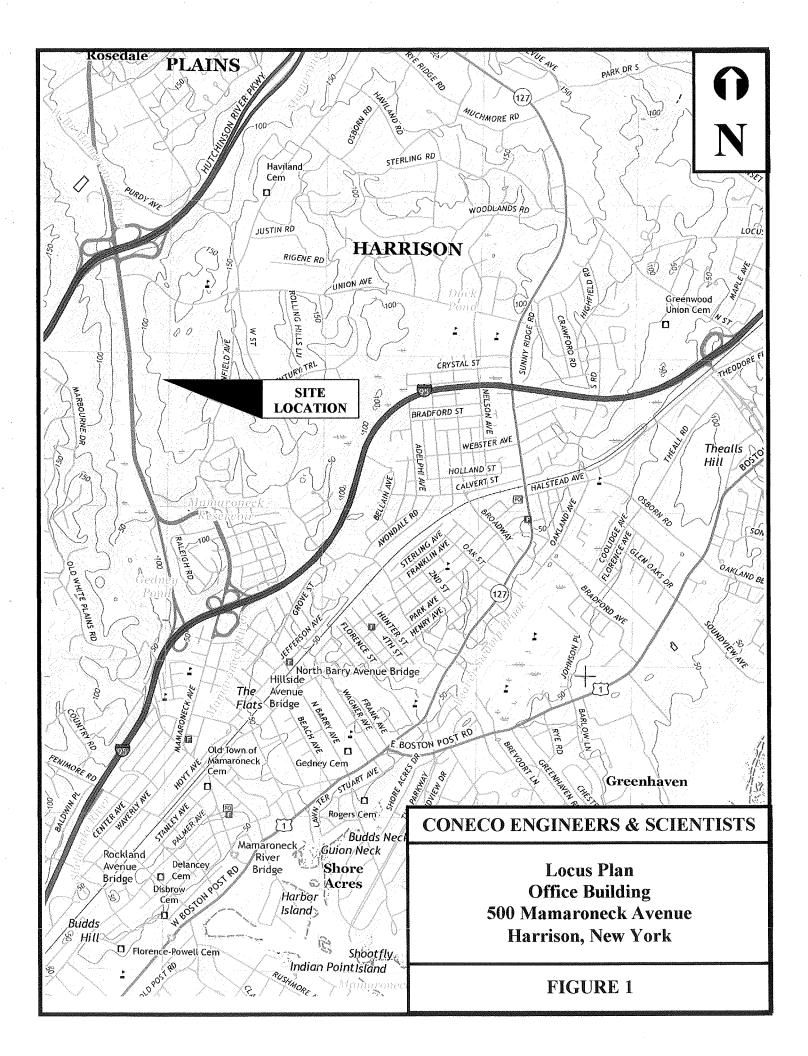
Figure 1: Site Locus Plan

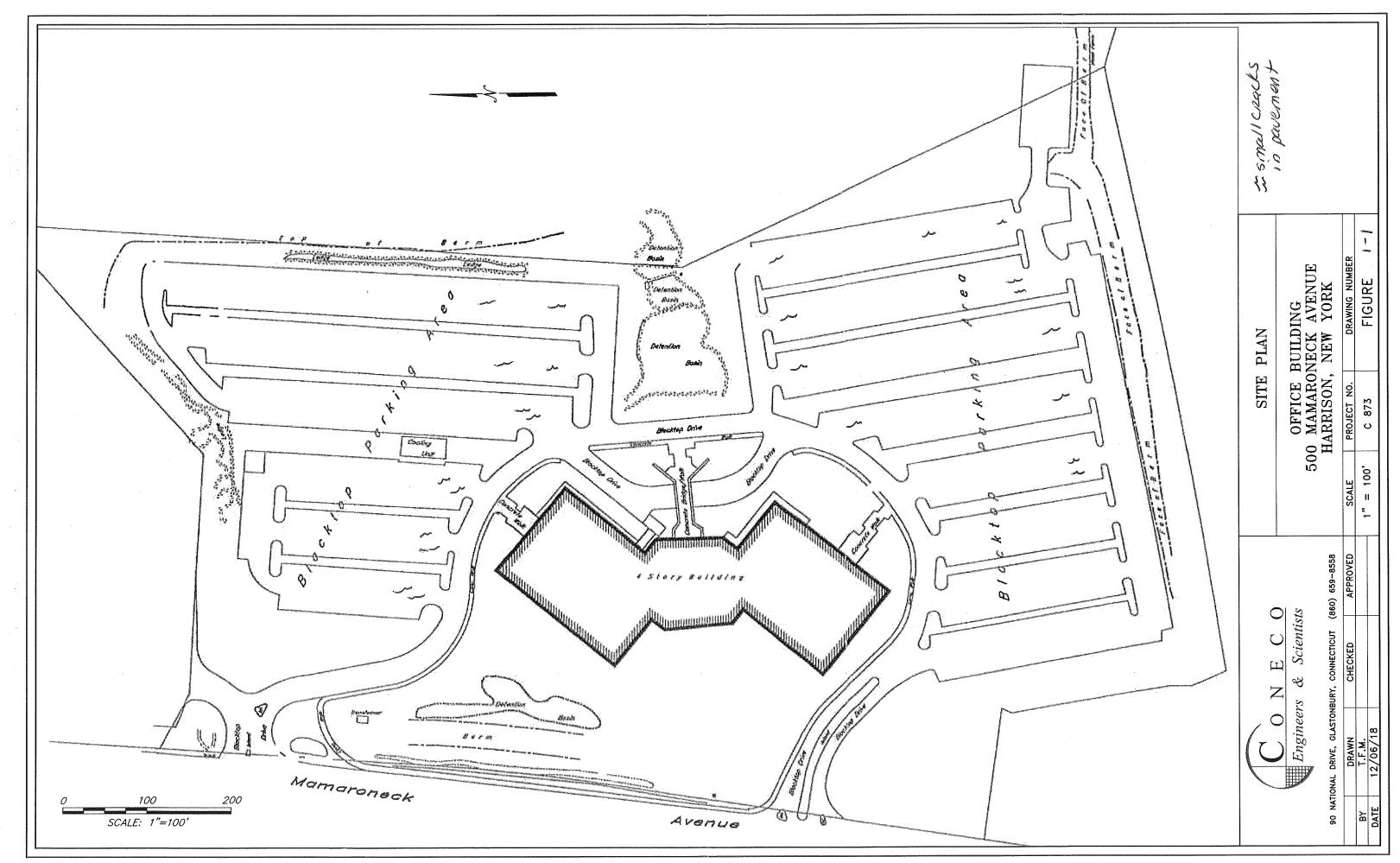
Figure 1-1: Site Plan

ATTACHMENTS:

Attachment A: Table 8-2 Remedy Inspection Form	Tab 1
Attachment B: Site Photographs	Tab 2
Attachment C: Voluntary Agreement (Index No. W3-0851-99-05)	Tab 3
Attachment D: Enclosure 2: NYDEC Site Management Periodic Review Report Notice Institutional & Engineering Controls Certification Form	Tab 4

FIGURES





ATTACHMENT A

SITE REMEDY INSPECTION FORM

Table 8-2 Remedy Inspection Form 500 Mamaroneck Avenue, Harrison, NY

DATE(S) OF INSPECTION: DECEMBER 10, 2018

Note the location(s) of any the inspection findings described below on Figure 1-1 (attached).

	Yes	No	Corrective Action Needed?
Asphalt Cover Are there any cracks in the asphalt cover? Is there any surface water ponding on the asphalt cover? Is there any evidence of settlement? Specify Correction Actions Needed: <u>Small cracks in the top Course</u> Some have been filled with tar. No	ofasph	$\frac{1}{2}$	ere observed
base course of Asphalt. No soil n hormed on Asphalt in southeast cor		sed.	g lot.
	Yes	No	Corrective Action Needed?
Landscaped Areas		/	
Are there any visible bare spots? Are there any erosion rivulets? Is there evidence of any washouts or soil slides? Specify Correction Actions Needed: All argssed grags grand Site Bulding ar	Pint CP		1 constituion
No prosion or washould were observe	ed for	the er	tire site.
	Yes	No	Corrective Action Needed?
Vegetative Slopes Along the Southern Berm			
Are there any visible bare spots? Are there any erosion rivulets? Is there evidence of any washouts or soil slides? Specify Correction Actions Needed: NUNE, SIOPOS and Berm in 9000	dicond	Hon	
		<u>.</u>	

cc: Managing Office

Attach a copy of Figure 1-1

ATTACHMENT B

SITE PHOTOGRAPHS

Environmental Site Inspection

Property: 500 Mamaroneck Avenue, Harrison, NY NYDEC Site No. V00213 Page 1



500 Mamaroneck Avenue, Harrison, NY NYDEC Site No.: V00213.



Grassed area north of the north driveway into to Site, very good vegetative cover.

Environmental Site Inspection

Property: 500 Mamaroneck Avenue, Harrison, NY NYDEC Site No. V00213 Page 2



North driveway, excellent condition, paved summer of 2018.



Grassed area front of Site building, vegetative coved, very good condition.



1st row of asphalt paved parking North, small cracks in asphalt, none below top course.



3rd row of asphalt paved parking North, few cracks in asphalt, none below top course.



2nd row of asphalt paved parking North, small cracks in asphalt, none below top course.



4th row of asphalt paved parking North, several cracks in asphalt, none below top course.



5th row asphalt paved parking North, several cracks in asphalt, none below top course.



Typical crack in top layer of asphalt.



6th row asphalt paved parking North, small cracks in asphalt, none below top course.



Buffer Zone northeast corner of Site property.

Environmental Site Inspection

Property: 500 Mamaroneck Avenue, Harrison, NY NYDEC Site No. V00213 Page 7



Eastern Buffer Zone, pond.



Eastern Buffer Zone, view looking northeast.



South Driveway, view looking east. Paved in June 2018.



Vegetative cover, southwestern portion of Site, view looking north.



Drainage swale along Mamaroneck Ave., good condition no erosion.



1st row of asphalt paved parking South, small cracks in asphalt, none below top course.



Typical small cracks in 1st course of asphalt, none in 2nd course of asphalt pavement.



Southern Berm, vegetative cover, very good condition.



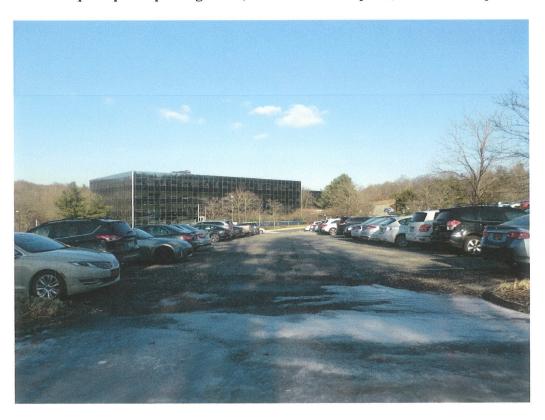
2nd row of asphalt paved parking South, small cracks in asphalt, none below top course.



South Berm, vegetative cover, good condition.



3rd row of asphalt paved parking South, small cracks in asphalt, none below top course.



4th row of asphalt paved parking South, small cracks in asphalt, none below top course.



South Berm, vegetative cover, very good condition.



5th row of asphalt paved parking South, small cracks in asphalt, none below top course.



6th row of asphalt paved parking South, small cracks in asphalt, none below top course.



Buffer Zone, Southeast portion of Site.

ATTACHMENT C

VOLUNTARY AGREEMENT (Index No. W3-0851-99-05)

New York State Department of Environmental Conservation

Division of Environmental Enforcement

Bureau of Superfund and Brownfield Restoration, 14th Floor 625 Broadway, Albany, New York 12233-1500 Phone: (518) 402-2794 • FAX: (518) 402-8541 Website: www.dec.state.ny.us



500 Mamaroneck Avenue Associates % Schluman Realty 500 Mamaroneck Avenue Harrison, New York 10525

Re: 500 Mamaroneck Ave. VCP Site No. V00213, Mamaroneck Avenue Associates ("Volunteer"), Agreement Index No.W3-0851-99-05

Attention: Douglas A. Ramsay

Release and Covenant Not to Sue

Unless otherwise specified in this letter, all terms used in this letter shall have the meaning assigned to them under the terms of the Voluntary Agreement entered into between the New York State Department of Environmental Conservation (the "Department") and 500 Mamaroneck Avenue Associates ("Volunteer"), Index No.W3-0851-99-05 (the "Agreement").

The Department is pleased to report that the Department is satisfied that the Agreement's Work Plan, covering the remediation of the Site, located at 500 Mamaroneck Avenue in the Town of Harrison, State of New York, Tax Map Tax Block, 482 and lot no. 8, has been successfully implemented.

The Department and the Trustee of New York State's natural resources ("Trustee"), therefore, hereby release, covenant not to sue, and shall forbear from bringing any action, proceeding, or suit against Volunteer, Volunteer's partners and Volunteer's insurer to the extent of Volunteer's liability at the Site, and Volunteer's lessees and sublessees and Volunteer's successors and assigns and their respective secured creditors, for the further investigation and remediation of the Site, and for natural resources damages, based upon the release or threatened release of Covered Contamination, provided that (a) timely payments of the amounts specified in Paragraph VI of the Agreement continue to be or have been made to the Department, (b) appropriate notices and deed restrictions have been recorded in accordance with Paragraphs IX and X of the Agreement, and (c) Volunteer and/or Volunteer's lessees, sublessees, successors, or assigns promptly commence and diligently pursue to completion the Department-approved O&M Plan, if any. Nonetheless, the Department and the Trustee hereby reserve all of their respective rights concerning, and such release, covenant not to sue, and forbearance shall not extend to any further investigation or remedial action the Department deems necessary:

- due to off-Site migration of petroleum, irrespective of whether the information available to Volunteer and the Department at the time of the development of the Work Plan disclosed the existence or potential existence of such off-Site migration;
- due to environmental conditions related to the Site that were unknown to the Department at the time of its approval of the Work Plan which indicate that Site conditions are not sufficiently protective of human health and the environment for the Contemplated Use;
- due to information received, in whole or in part, after the Department's approval of the final engineering report, which indicates that the activities carried out in accordance with the Work Plan are not sufficiently protective of human health and the environment for the Contemplated Use;

due to Volunteer's failure to implement the Agreement to the Department's satisfaction; or

• due to fraud committed, or mistake made, by Volunteer in demonstrating that the Sitespecific cleanup levels identified in, or to be identified in accordance with, the Work Plan were reached.

Additionally, the Department and the Trustee hereby reserve all of their respective rights concerning, and any such release, covenant not to sue, and forbearance shall not extend to:

- Volunteer if Volunteer causes a, or suffers the, release or threat of release, at the Site of any hazardous substance (as that term is defined at 42 USC 9601[14]) or petroleum (as that term is defined in Navigation Law § 172[15]), other than Covered Contamination; or if Volunteer causes a, or suffers the use of the Site to, change from the Contemplated Use to one requiring a lower level of residual contamination before that use can be implemented with sufficient protection of human health and the environment; nor to
- any of Volunteer's lessees, sublessees, successors, or assigns who causes a, or suffers the, release or threat of release, at the Site of any hazardous substance (as that term is defined at 42 USC 9601[14]) or petroleum (as that term is defined in Navigation Law § 172[15]), other than Covered Contamination, after the effective date of the Agreement; who causes a, or suffers the use of the Site to, change from the Contemplated Use to one requiring a lower level of residual contamination before that use can be implemented with sufficient protection of human health and the environment; or who is otherwise a party responsible under law for the remediation of the Existing Contamination independent of any obligation that party may have respecting same established resulting solely from the Agreement's execution.

Notwithstanding the above, however, with respect to any claim or cause of action asserted by the Department, the one seeking the benefit of this release, covenant not to sue, and forbearance shall bear the burden of proving that the claim or cause of action, or any part thereof, is attributable solely to Covered Contamination. Notwithstanding any other provision in this release, covenant not to sue, and forbearance,

- if with respect to the Site there exists or may exist a claim of any kind or nature on the part of the New York State Environmental Protection and Spill Compensation Fund against any party, nothing in this release shall be construed, or deemed, to preclude the State of New York from recovering such claim.
- except as provided in Subparagraph I.G of the Agreement and in this letter, nothing contained in the Agreement or in this letter shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's or Trustee's rights (including, but not limited to, nor exemplified by, the right to recover natural resources damages) with respect to any party, including Volunteer.
- nothing contained in this letter shall prejudice any rights of the Department or Trustee to take any investigatory or remedial action it may deem necessary if Volunteer fails to comply with the Agreement or if contamination other than Existing Contamination or Covered Contamination is encountered at the Site.
 - nothing contained in this letter shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.
- nothing contained in this letter shall be construed to affect the Department's right to terminate the Agreement at any time during its implementation if Volunteer fails to comply substantially with the Agreement's terms and conditions.

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

ALEXANDER B. GRANNIS, COMMISSIONER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TRUSTEE OF NEW YORK STATE'S NATURAL RESOURCES

By:

Deborah Christian, Acting Chief Bureau of Superfund and Brownfield Restoration

DC/mjl:264240

ENCLOSURE 1: NYDEC SITE MANAGEMENT PERIODIC REVIEW NOTICE INSTITUTIONAL and 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



ę	Site No.	V00213		Site Details			Box 1	
ę	Site Name 50	0 Mamaron	ieck Avenue					
C	Site Address: 3 City/Town: Ha County: Westch Site Acreage:	rrison	oneck Avenue	Zip Code: 10528				
F	Reporting Peric	d: Novemb	per 04, 2013 to N	ovember 04, 2018				
							YES	NO
1	. Is the inforn	nation abov	e correct?				and the second s	0
	If NO, includ	de handwrit	ten above or on a	a separate sheet.				
2			site property beer uring this Reporti	n sold, subdivided, ng Period?	merged, or unde	rgone a		
3.	Has there be (see 6NYCF			e site during this R	eporting Period			
4.			, and/or local per iring this Reportir	mits (e.g., building ng Period?	, discharge) beer	n issued		
	lf you answ that docum	ered YES f entation ha	o questions 2 th as been previou	nru 4, include doc sly submitted wit	umentation or e	evidence on form.		
5.	Is the site cu	irrently und	ergoing developn	nent?			0	. And the second se
							Box 2	
		•					YES	NO
6.	Is the current Industrial C	t site use co DF <i>FICE</i>	onsistent with the BUILDING	use(s) listed below	N?		D	-
7.	Are all ICs/E	Cs in place	and functioning a	as designed?				<u> </u>
				STION 6 OR 7 IS N ST OF THIS FORM			d	
AC	Corrective Mea	sures Worl		ubmitted along wi <i>WGINGERS</i> a		ldress the	se issu	es.
le	1 fold	Mai	scientists			11,20	18	
Sig	nature of Owne	r, Remedial	Party or Designa	ted Representative		Date		

SITE NO. V00213		Bo
Description o	f Institutional Controls	
Parcel	Owner	Institutional Control
482-8-26	Empire State Realty Trust	Soil Management Plan
The property is rest	icted to commercial landuse.	Ground Water Use Restric
Use as a day care,	child care, or medial care facility (other than o	ut-patient care) is restricted.
Maintain the cover	cap system idnetified in the RAWP.	
premissions except	to be used for potable purposes unless the re that the groundwater may be used for decorat with the current use.	
Compliance with the	e Site Management Plan for any work intrusive	work conducted at the soil cover are
Annual certification 482-8-26.1	that the engineering and institutional controls Empire State Realty Trust	are in place. Ground Water Use Restrict Soil Management Plan
The property is restri	cted to commercial landuse.	
Use as a day care, o	child care, or medial care facility (other than ou	it-patient care) is restricted.
Maintain the cover /	cap system idnetified in the RAWP.	
	o be used for potable purposes unless the rel hat the groundwater may be used for decorati with the current use.	
Compliance with the	Site Management Plan for any work intrusive	work conducted at the soil cover are
Annual certification t	hat the engineering and institutional controls a	are in place.
		Box
Description of	Engineering Controls	
Parcel	Engineering Control	
482-8-26	Cover System	
482-8-26.1		

,

Box 5

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 compete. NO G If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional 2. 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 \cap 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 Date

	IC CERTIFICATIONS	
	SITE NO. V00213	
		Box 6
SITE OWNER	OR DESIGNATED REPRESENTATIVE S	SIGNATURE
I certify that all information and	statements in Boxes 1,2, and 3 are true.	I understand that a false
	shable as a Class "A" misdemeanor, pursu	ant to Section 210.45 of the
Penal Law.		
MICHAEL C FELDA	<u>NAN</u> at <u>CONECO ENGINEERS</u> print business addre	& SCIENTISTS INDO
print name	nrint husiness addre	
am certifying as ENVIRON	MENTAL ENGINEER FOR ESP	(Owner or Remedial Party)
for the Site named in the Site De	etails Section of this form.	
	Scientists CORP.	~
Λ . Π		
M. Column	SCIENTISTS CULL.	NFC 11 7018
= 1000mm	Party, or Designated Representative	DEC. 11, 2018 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. 1 MKHMEL C. FELDMAN at CONEW ENGINEERS & SCIENTISTS CORP. print business address am certifying as a Qualified Environmental Professional for the \underline{ESPT} (Owner or Remedial Party) converse entrueer a scientists, and Dec. 11, 2018 Signature of Qualified Environmental Professional, for Stamp Date the Owner or Remedial Party, Rendering Certification (Required for PE)