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CAL. NO.

233-15-BZ**Exhibit 24 – Summary of Environmental Documents**

The following is a brief summary of the environmental exhibits to this Application, in chronological order. The exhibits encompass environmental testing, classification, remediation, disposal, and agency approvals under the New York State Brownfield Cleanup Program (“BCP”) and federal Resource Conservation and Recovery Act. In general, RCRA governed the cleanup of the interior of the former Paragon Paint factory building (including its garage and warehouse) and the BCP applied everywhere else.

Exhibit 23 – Significant Threat to Human Health Determination (January 9, 2009)

In September 2008, Lot 4 was accepted into the BCP, which includes sites where contaminants are present at levels exceeding health-based or environmental standards, criteria or guidance adopted by the NYS Department of Environmental Conservation (“DEC”). Shortly thereafter, on January 9, 2009, the NYS Department of Health (“DOH”) determined that the site constituted a “significant threat to human health.” This determination noted that the property was operated as a paint manufacturing and storage facility from as early as 1915 until 1998, a period of 83 years (see pg. 2; ¶1).

In its determination, DOH noted a mix of contaminants associated with the manufacture and storage of paint in subsurface soil, groundwater and soil vapor. These chemical compounds include but are not limited to volatile organic compounds (“VOC”), semi-volatile organic compounds (“SVOC”), and hydrocarbons. Among other things, DOH identified high levels of LNAPL (light non-aqueous phase liquid), a solvent used in paint manufacture, floating above the groundwater (see pg. 3, ¶2). Noting the proximity to off-site residential and commercial uses, DOH recommended that an on-site remedial investigation be conducted to fully delineate the nature and extent of the contamination (see pg. 4, ¶2).

Exhibit 21 – RCRA Closure Plan (July 2014)

The former Paragon Paint factory was designated a Large-Quantity Generator of hazardous waste under the Resource Conservation and Recovery Act (“RCRA”), the principal federal law governing the management of hazardous solid waste. As required by RCRA, a Closure Plan was developed to insure that interior hazardous waste storage areas were properly cleaned and made safe. The scope of the Closure Plan focused on the following locations (see pg. 6; ¶2):

- Second, third, and fourth floors of the paint factory building, which contain approximately 65 aboveground storage tanks (ASTs) / mixing vessels, pumps, and piping formerly used for the conveyance of chemicals associated with the manufacture of paints and varnish (See Figures 3, 4 and 5);
- The first floor of the garage, which may also have been used to store hazardous waste prior to off-site shipment and disposal (See Figure 2); and
- The basement, first, second and third floors of the warehouse.

As part of the Closure Plan, all vessels within the Hazardous Waste Storage Areas were decontaminated and removed from Site (see pg. 25; ¶1) and all affected areas were cleaned. The cleanup was completed in August 2015.

Exhibit 18 – Phase I Environmental Site Assessment (April 23, 2015)

Based on a review of environmental and regulatory records, interviews, and site reconnaissance, the 2015 Phase I Environmental Site Assessment (“ESA”) for Lots 4, 8 and 10 noted the following “recognized environmental conditions”: the potential for hazardous substances other than petroleum to have been released into the soil and groundwater; fuel oil releases into the soil and groundwater; multiple underground and above-ground storage tanks; and extensive staining and corrosion within the buildings. In Section 7.3 “Site Visit Findings,” numerous hazardous substances were identified, including materials related to the manufacturing of paints and fuel oil released into the subsurface (see pg. 18; ¶3). The ESA noted eight feet of “free product” (non-aqueous phase liquid) in the groundwater. (See Section 9, Findings; pg. 21; ¶8.)

Exhibit 22.1 – DEC Phase I Permit Application (May 8, 2015)

An application for a permit to replace the deteriorated timber bulkhead along Anable Basin was filed with DEC and the U.S. Army Corps of Engineers. The new bulkhead was required to be made of sheet-piles in order to mitigate the flow of hazardous materials from the upland into Anable Basin, which is an inlet of the East River. The replacement of the bulkhead was a key element of the overall site remediation. (See Section 02.2; pg. 17.)

Exhibit 19 – Remedial Investigation Report (May 15, 2015)

Despite the fact that Lot 4 was accepted into the Brownfield Cleanup Program in 2008, no remediation measures were undertaken until after the premises were acquired by the current owner in 2011. The first step was the preparation of an extensive Remedial Investigation Report, which analyzed a total of 122 soil samples (see Section 5.1; pg. 30; ¶1), 26 groundwater samples (see Section 5.2; pg. 32; ¶6 and Table 2), 37 soil borings (see Section 4.2; pg. 19; ¶4), and 24 monitoring wells (see Section 4.0; pg. 16). Based on this data, the following key “areas of concern” were noted: LNAPL in a number of monitoring wells (see Section 7.1; pg. 44; ¶2); widespread VOC contamination in shallow soil (see Section 7.2; pg. 44; ¶4); and metals and Polycyclic Aromatic Hydrocarbons (PAH) in the soil (see Table 5).

Exhibit 20 – Remedial Action Work Plan (August 2015)

Based on the RIR, a Remedial Action Work Plan (“RAWP”) was developed. The RAWP called for a “Track 4” cleanup requiring that all sources of contamination be addressed. The remedial measures included, without limitation, the following: the excavation and disposal of contaminated soil; backfill of excavated areas; a minimum of two feet of clean fill in areas not covered by buildings; dewatering and treatment or off-site disposal of groundwater; installation of recovery pumps; chemical oxidation injection treatment for VOCs in the soil and groundwater; recording of an environmental easement to prevent future exposure to residual contamination; and preparation of a site management plan for long-term management of residual contamination. (See Section 3.3; pg. 69; ¶3 for complete scope). Because of the potential for odors, excavation was required to be undertaken within a tent-like enclosure (see Section 5.4.13; pg. 100; ¶6).

Exhibit 22.2 – Supplemental Phase I Permit Application (September 28, 2015)

A Supplemental Application addressing DEC’s comments on the May 8, 2015 Phase I Permit Application was filed on September 28, 2015.

Exhibit 22.3 – Supplemental Phase I Permit Application (October 28, 2015)

A Supplemental Application addressing DEC’s comments on the October 23, 2015 to finalize the final, approved method of bulkhead replacement type and strategy.

Exhibit 25 – Certificate of Completion (December 2016)

DEC issued a Certificate of Completion on December 15, 2016, certifying the satisfactory completion of the remedial program for the Site and approval of the Final Engineering Report (Exhibit 26). The Certificate establishes that the Track 4 Cleanup was properly performed, thereby permitting multiple-dwelling residential, commercial and industrial use of the site. The Certificate required that the implementation of a Site Management Plan (SMP) including an institutional and engineering control plan, a continuing monitoring plan, and an operation and maintenance plan.

Exhibit 26 – Final Engineering Report (November 2016)

A Final Engineering Report (“FER”) was issued in November 2016. The FER includes all of the remediation that was performed, including final quantities and test data under the BCP and RCRA.