LA1517 **PARK AVE INTRADE INC/GULF STATION** **NY LTANKS** **S104516276**
NE **2633 OCEAN AVE** **NY Spills** **N/A**
> 1 **BROOKLYN, NY 11229**
1.900 mi.
10030 ft. **Site 2 of 2 in cluster LA**

Relative:
Higher

Actual:
14 ft.

LTANKS:

Name:	GULF GAS
Address:	2633 OCEAN AVE
City,State,Zip:	BROOKLYN, NY
Spill Number/Closed Date:	9911687 / 2003-11-21
Facility ID:	9911687
Site ID:	278832
Spill Date:	2000-01-07
Spill Cause:	Tank Overfill
Spill Source:	Gasoline Station or other PBS Facility
Spill Class:	B3
Cleanup Ceased:	Not reported
SWIS:	2401
Investigator:	SMSANGES
Referred To:	Not reported
Reported to Dept:	2000-01-07
CID:	211
Water Affected:	Not reported
Spill Notifier:	Other
Last Inspection:	Not reported
Recommended Penalty:	False
Meets Standard:	False
UST Involvement:	True
Remediation Phase:	0
Date Entered In Computer:	2000-01-07
Spill Record Last Update:	2004-02-06
Spiller Name:	Not reported
Spiller Company:	CUMBERLAND FARMS
Spiller Address:	777 DEDHAM ST
Spiller County:	001
Spiller Contact:	RON YAROM
Spiller Phone:	(914) 777-7300
Spiller Extention:	Not reported
DEC Region:	2
DER Facility ID:	124082
DEC Memo:	"Prior to Sept, 2004 data translation this spill Lead_DEC Field was SANGESLAND CROSS REF WITH SPILL # 9912611"
Remarks:	"CALLER EXCAVATING ON SITE AND ENCOUNTERED SOIL CONTAMINATION"

All Materials:

Site ID:	278832
Operable Unit ID:	1086287
Operable Unit:	01
Material ID:	566269
Material Code:	0009
Material Name:	gasoline
Case No.:	Not reported
Material FA:	Petroleum
Quantity:	.00
Units:	G
Recovered:	.00
Oxygenate:	Not reported

Name:	2633 OCEAN AVE/SUNOCO
Address:	2633 OCEAN AVENUE
City,State,Zip:	BROOKLYN, NY
Spill Number/Closed Date:	8806291 / 2006-11-28
Facility ID:	8806291
Site ID:	284809
Spill Date:	1988-10-26
Spill Cause:	Tank Test Failure
Spill Source:	Gasoline Station or other PBS Facility
Spill Class:	A3
Cleanup Ceased:	Not reported
SWIS:	2401
Investigator:	SKCARLSO
Referred To:	CONSOLIDATED WITH 9912611
Reported to Dept:	1988-10-26
CID:	Not reported
Water Affected:	Not reported
Spill Notifier:	Tank Tester
Last Inspection:	Not reported
Recommended Penalty:	False
Meets Standard:	False
UST Involvement:	True
Remediation Phase:	0
Date Entered In Computer:	1988-11-04
Spill Record Last Update:	2009-06-01
Spiller Name:	Not reported
Spiller Company:	SUNOCO A
Spiller Address:	2633 OCEAN AVENUE
Spiller County:	001
Spiller Contact:	Not reported
Spiller Phone:	Not reported
Spiller Extention:	Not reported
DEC Region:	2
DER Facility ID:	230945
DEC Memo:	"Prior to Sept, 2004 data translation this spill Lead_DEC Field was SUN 11/02 transferred from sullivan to tipple. 12/10/2003 Reassigned from Tipple to Sun. 12/16/2005 - Feng - Reassigned from Sun to Feng as per Sun. (RJF) 11/28/06: Consolidated with 9912611."
Remarks:	"4K TANK FAILED PETRO TITE TEST WITH A LEAK RATE OF -.153GPH, PROBABLY WILL ISOLATE & RETEST."

All TTF:

Facility ID:	8806291
Spill Number:	8806291
Spill Tank Test:	1534814
Site ID:	284809
Tank Number:	Not reported
Tank Size:	0
Material:	0009
EPA UST:	Not reported
UST:	Not reported
Cause:	Not reported
Source:	Not reported
Test Method:	00
Test Method 2:	Unknown
Leak Rate:	.00
Gross Fail:	Not reported
Modified By:	Spills
Last Modified Date:	Not reported

All Materials:

Site ID:	284809
Operable Unit ID:	921447
Operable Unit:	01
Material ID:	454638
Material Code:	0009
Material Name:	gasoline
Case No.:	Not reported
Material FA:	Petroleum
Quantity:	-1.00
Units:	L
Recovered:	.00
Oxygenate:	Not reported

SPILLS:

Name:	PARK AVE INTRADE INC/GULF STATION
Address:	2633 OCEAN AVE
City,State,Zip:	BROOKLYN, NY 11229
Spill Number/Closed Date:	9912611 / Not Reported
Facility ID:	9912611
Facility Type:	ER
DER Facility ID:	460905
Site ID:	145638
DEC Region:	2
Spill Cause:	Unknown
Spill Class:	C4
SWIS:	2401
Spill Date:	2000-01-11
Investigator:	VXBREVDO
Referred To:	032918 CALL FROM NYC OER
Reported to Dept:	2000-02-04
CID:	270
Water Affected:	Not reported
Spill Source:	Gasoline Station or other PBS Facility
Spill Notifier:	Affected Persons
Cleanup Ceased:	Not reported
Cleanup Meets Std:	False
Last Inspection:	Not reported
Recommended Penalty:	False
UST Trust:	True
Remediation Phase:	1
Date Entered In Computer:	2000-02-04
Spill Record Last Update:	2019-08-30
Spiller Name:	MIKE LILIKAKIS
Spiller Company:	GULF
Spiller Address:	2633 OCEAN AVE
Spiller Company:	001
Contact Name:	JOHATHAN
DEC Memo:	"2 X 4,000 GAL TANKS, NISSIM ASSIS- 718 769-2356, 718 332-9681. (9911687). (516) 831-2982. 12/2/2003 Transferred from Sangesland to Rommel 1/8/04 Reassigned from Rommel to K Foley. 1/17/06: Reassigned to Andersen. Also see Sunoco spill 88-06291 on same site (still open). Sent assessment required letter to Mike Lilikakis (presumed current owner). Assessment due back 3/14/06. 4/11/06: Resent assessment required letter, due 6/11/06. 4/14/06: Received a phone call from Boris Gurevich (718-769-2356) the current tenant, Park Ave Intrade. He said he was not the tenant at the time of the spill. He said a new tank was installed in 2000 after the spill was reported.

He will call back on Tuesday with information on recent tightness tests. He will give the letter to Mike Lilikakis, the current owner. 6/21/06: Spoke to Boris Gurevich, he believes the letter was

forwarded to Mike Lilikakis. He requested a second letter be sent and he will forward it to Mike Lilikakis. Sent an assessment required letter to Mike Lilikakis at 235 89th Street, Brooklyn as noted in the PBS record 2-476544. Assessment due immediately. 6/26/06: Spoke with Boris Gurevich (917-535-2025). He said he will contact the current owner regarding the spill case. 6/27/06: Meeting with Boris Gurevich and Mike Lilikakis. Mike Lilikakis has owned the site for approximately 20 years. Boris Gurevich has been the tenant for two years. The tanks were resealed in 2000. No soil testing was done. It is now a Gulf station and was formerly a Sunoco. Sunoco was a supplier during the reported spill 8806291. Documents were submitted. After review of documents, the Department will supply recent testing results and contractors that can perform soil/gw testing. It was noted that there is a Getty station next door. 6/29/06: There is an open spill case for the Getty station next door, NYSDEC Spill 9714266. This is a waste oil spill with free product present. The Getty site is downgradient of the Gulf station. They are planning on excavation. An upgradient Getty well adjacent to the Gulf station has 200ppb BTEX. 7/18/06: Reviewed the documentation submitted on 6/27/06: - January 2000: Structural Integrity Inspection of two 4,000 gallon tanks, Tank 1 failed test - finger sized holes in the tank, tank 2 passed but relining recommended. -6/20/2000: New tank installed. -6/2002: Leak detection system tested and failed, then repaired. -12/27/2002: Tank 1 tightness tested and passed. -7/2003: 4,000 gallon SW UST corrosion tested and passed. No soil sampling was completed during tank removal and replacement in 2000. Assessment required letter sent. 9/13/06: Spoke to Boris Gurevich. Investigation deadline extended to 10/17/06 (etoborka@gmail.com). A contractor was hired. 10/17/06: Spoke to Sandy at Vtech (631-472-4848). A workplan for delineation will be submitted. 11/17/06: Spoke to Sandy at Vtech, he has not been retained. Emailed Boris Gurevich to followup on site status. 11/28/06: See spill 8806291. 11/29/06: Called Boris Gurevich, 917-535-2025 is not in service. Number 718-769-2356 was busy. 12/11/06: Left message for Boris Gurevich with an employee at 718-769-2356. 12/18/06: Spoke to someone at 718-769-2356, Boris Gurevich is not in today. Call back tomorrow. 12/19/06: Called 718-769-2356, the phone rang off the hook. 12/22/06: Called 718-769-2356, Boris Gurevich was not available. 1/3/07: Called Boris Gurevich, he was not there, left message. 1/4/07: Sent stip, due 2/5/07. 1/8/07: Received message from Boris Gurevich. A proposal will be submitted by the consultant by 1/12/07. 1/18/07: Received letter from Sander Sternig of VTEQE. A workplan will be submitted. There was a typo in the 1/4/07 letter. 1/23/07: IP approved. 7 soil borings proposed. IP implementation required by 3/6/07. 2/13/07: Spoke to Sander Sternig at VTEQE. Soil and groundwater is impacted. Monitoring wells will be installed. 3/14/07: Reviewed investigation summary report dated 3/8/07. Six soil borings and three monitoring wells installed. Impacted soil and gw. Max BTEX 5058 ppb (MW2), max MTBE 404 (MW3). There may be plume migration onto the adjacent Getty station (97-14266). Excavation and removal of a closed in place 4000 gallon gasoline UST was proposed. Sent letter requiring formal RAP, correction of PBS records, and quarterly sampling and reporting. Suggested FOIA of Getty spill. 3/27/07: Spoke to Boris Gurevich (current tenant). He is buying the property. He may require an extension for RAP implementation. The site will be redeveloped into a residential property. 5/10/07: Spoke to Nick Recchia (516-746-4400

x12), new consultant. A RAP will be submitted by 6/14/07. Tanks will

be removed and PBS registration will be updated. 5/30/07: RAP conditionally approved. Tanks will be removed and impacted soil excavated. RAP addendum required for groundwater treatment prior to site redevelopement. A vapor barrier and passive sub slab ventilation system will be used in redevelopment. Contact at EEA: Hardik Parekh, MS, E.I.T. Environmental Engineer EEA, Inc. 55 Hilton Avenue Garden City, NY 11530 Tel: 516-746-4400 ext. 19 Fax: 516-746-4432 Cell: 631-355-4425 Email: less than mailto:hparekh@eeaconsultants.com greater than 7/30/07: Left voice message for Hardik Parekh to followup on site status. 8/2/07: Spoke to Hardik Parekh. They are waiting for a DEP permit to begin tank removal. 8/21/07: Spoke to Hardik Parekh. Tank removal scheduled for Sept. 4 - Sept. 6. 9/5/07: Spoke to Hardik Parekh. Tank removal in progress. 9/6/07: Site inspection peformed by DEC Sun. 10/31/07: Reassigned from Sarah Carlson to Chanda. 11/20/07: Chanda sent an email to Hardik Parekh (hparekh@eeaconsultants.com) to get the site current status regarding tank removal and RAP Addendum for this spill site. 11/28/07: Chanda called Hardik Parekh to get the current site status regarding this spill site and left message to call back. 12/28/07: Chanda received the following email from Hardik Parekh, EEA, Inc., (consultant): As per our recent telephone conversation, below is the current status at the above referenced property. One (1) 550-gallon waste oil and one (1) 550-gallon fuel oil tanks were removed and end point samples were collected. 4,000-gallon gasoline tanks were removed. Soil contamination was observed and removed till the groundwater table. Additional contaminated soils will be removed when the property owner (the client) will be ready with the proposed project, which I understand will be starting after the winter. I will let you know when I get the exact information about the time frame. Three (3) to four (4) ground water monitoring wells still exists on the property. Feel free to contact me with any question. 5/6/08: Chanda called Hardik Parekh (EEA) to get the site update information and left message to call back. 6/6/08: Chanda received an email from Hardik Parekh, EEA. This email stated that the site update status and tank closure activities at the site. Chanda sent an email (see eDocs) to Hardik Parekh (consultant) and copy to his supervisor (Mr. Allen Serper), requiring that the remedial activities report and RAP Addendum within 30 days as required in the DEC's letter dated May 30, 2007. Therefore, the RAP Addendum and Remedial Activities Report be submitted to DEC by 7/6/08 for review and approval. 6/18/08: Chanda received a tank closure report dated June 2008, prepared by Energy & Environmental Analysts, Inc. (EEA) for this spill site. 7/14/08: Chanda has reviewed the Tank Closure Report and has the following: -Five underground tanks were removed from the property on September 5-7, 2007. -Soil contamination was observed during the 4,000-gallon tank removals. -The USTs Closure Report fails to summarize the findings of the end point soil and groundwater analytical results, areas of excavation and end point sampling locations, areas of remaining soil impacts based upon end point sampling data, site plan including groundwater flow direction, conclusion and recommendations. 7/14/08: Chanda sent an email to RP's consultant requiring that a revise Tank Closure Report be submitted to the Department by July 30, 2008 for review and approval. 10/30/09 - Carlson: Case reassigned to Carlson. A revised Tank Closure Report was not submitted. Received an email from DOT John Gallagher requesting site status. Need to send letter requiring quarterly groundwater sampling, additional delineation, PBS update. A new Remedial Action Plan will be required

after delineation. 11/12/09 - Carlson: Issued letter- quarterly

reporting, delineation work plan, pbs registration update by 12/14/09. Responded to John Gallagher's 10/27/09 email with case status. 07/18/2013 - Carlson: Contacted by NYCOER Shaminder Chawla (ShaminderC@dep.nyc.gov, (212) 442-3007). Phase II workplan submitted by Ocean Avenue Realty, (consultant Athenica Environmental). 16 borings proposed (3 additional borings for general soil characterization only). 6 monitoring wells proposed. Issued letter requiring revisions to soil sampling procedure, revised workplan required. 7/31/13 - Carlson: Received revised workplan from Athenica Environmental. 7 test pits/borings to be completed for general soil characterization will be sampled for VOCs, SVOCS, metals, and pesticides and PCBs. 12 borings/test pits to be completed for petroleum characterization only, except boring in area of waste oil UST to be sampled for VOCs, sVOCs, metals, and PCBs. 6 2-inch wells will be installed. 4 soil vapor samples will be collected. Phase II Investigation Report to be submitted after completion of investigation. Issued approval letter. Notification required 5 days in advance of any work at the site. 8/16/13 - Carlson: Geophysical survey scheduled for 8/19/13; 8/21/13 - Carlson: Received email, geophysical survey indicated potential presence of tanks. Tank removal company will be hired, tanks to be removed. Additional endpoint samples may be required, depending on number of tanks found and degree of soil impact found. 11/4/2013 - Carlson: Spoke to Nahum Kedem, they are negotiating contract with tank removal company, work has not been scheduled yet. 11/13/13 - Carlson: Visited site - witnessed shallow excavation to look for possible tanks. No tanks found at time of site visit. 12/11/13 - Carlson: 8x 550gall USTs were found during shallow excavation on 11/13 - 11/14. Previously approved Phase II does not outline UST removal procedures. Issued letter on 11/19/13 requiring submittal of a UST removal workplan with endpoint sampling procedures. UST Closure Workplan submitted on 11/20/2013. Issued approval letter on 12/11/13. UST closure activities and sampling to be reported in a comprehensive Phast II report. PBS to be updated after UST removal. 1/31/14 - Carlson: Received email from Nahum Kedem, via Shaminder Chawla (NYC OER) requesting permission to encapsulate soil removed during tank removal and test pits, instead of stockpiling soil. Soil will be shipped during site wide excavation and redevelopment. Sent email stating Department does not object to the temporary encapsulation of soil, until upcoming excavation. 2/6/14 - Carlson: Visited site. Above-mentioned encapsulation was performed. Eight 550-gal USTs were removed and endpoint samples collected. Tank removal excavation of 550- gal USTs extended to 9 ft below grade. Former area of three 4,000 gal USTs was also excavated. Several test pits were installed. Four soil vapor points were installed on the four corners of the property. Monitoring well installation was in progress. Field notes from contractor were viewed during site meeting. High PID was found at 15 ft bg (the final depth of the test pits). Monitoring wells will be installed to 19 ft bg. Soil sampling and PID screening will occur during monitoring well installation, to 19 ft bg. Soil impact appears to extend below groundwater (12 ft). 3/31/15 - Raphael Ketani. I have been assigned spill case #9912611, Park Avenue Intrade Inc/Gulf Station, 2633 Ocean Avenue, Brooklyn, NY, 11229. Previous to the present name, the site was occupied by a SUNOCO station. The tenant was Boris Gurevich of Park Avenue Intrade Inc. The block and lot are 7381 and 1. The last deed was issued on 2/25/10. MGR Realty Associates, LLC at 235 89

Street, Brklyn, NY 11209 sold the property to 2633 Ocean Realty, LLC at the same address. Previous to this, Michael and Thalia Lilikakis at the same address sold the property to MGR Realty Associates. The

PBS case is #2-476544. The owner was Park Avenue Intrade Inc. There were 12 USTs: 3 4000 gal gasoline; 5 550 gal. diesel; one 1000 gal. #2 heating oil; a 550 gal. waste oil tank; 2 550 gal. gasoline. The PBS record indicates that 6 of the tanks were closed and removed on 12/1/98 and 5 were closed and removed on 1/31/14. The tanks had leaked and a Getty station is downgradient, open spill #9714266 (managed by DEC June Feng). Spill case #8806291 for the site was closed and combined with spill case #9912611. The first investigation was during early 2007. Soil and groundwater contamination was found. Some USTs were removed duirng September 2007. DEC spill manager Sun wrote a note that he observed tank removal work taking place at the site. The notes state that some soil was removed, but no end points results were submitted. A GPR survey was performed during late 2013. The results suggested the presence of additional USTs. Exploratory digging took place and eight 550 gals. USTs were discovered and removed during November 2013. Test pits were also done during this time and groundwater monitoring wells were installed, too. The total depth of the screens was 19 feet bgs. The water table is 12 feet bgs. The 7/22/13 Phase 2 Work Plan indicates that the site will be developed as a multi-story apartment building. All of the soil down to 18 feet bgs will be dug out. The project has an E designation from the NYC OER. Shaminder Chawla, Assistant Director (212) 442-3007 is the present project manager. His email is Shaminder@dep.nyc.gov. The owner's email address is elilikakis@gmail.com. The latest consultant is Theodoro Lucas at Athenica Environmental (718) 784-7490. I tried to contact Mr. Lucas, but I could only leave a message. I contacted Mr. Chawla and asked him to send me all of the documents that he had received since February 2014 (Ms. Carlson's last note). He searched his records and stated that he didn't have anything else, but that the consultant owed an RIR and a RAP. He did note that the consultant had contacted him and had said that an SSDS system could not be installed. He will look into why there is a problem. 4/1/15 - Raphael Ketani. Ezge (ez-gee) Karayel of Athenica (718) 784-7490 tried to contact me by leaving a phone message. I tried to return the call, but also could only leave a phone message. 4/6/15 - Raphael Ketani. I tried to contact Ms. Karayel again, but she was not in. So Mr. Silveri of Athenica talked to me about the spill case. He said that Ms. Karayel was the one who really knew the spill, but the case was now being handled by a consultant who used to work for Athenica. I asked Mr. Silveri to let me know this person's contact information. He said that he will and that he will do a little research into the spill case. 4/7/15 - Raphael Ketani. A Mr. Rainey from Athenica sent me an email stating that they were not the consultant for the present owner. It was not stated who the consultant is. As there is no other recourse for restarting the spill case, I sent a letter by email to 2633 Ocean Realty, LLC, 235 89 Street, Brklyn, NY 11209 requesting the RIR for the excavating, a statement regarding why the SSDS cannot be installed and the RAWP. A deadline of May 1, 2015 was set for the submission of the RIR and the RAWP. Later, Nahum Kedem of Environmental Consulting International Inc. (914) 588-4747/ nkedem@enviroci.com [#158, 923 Saw Mill River Road, Ardsley, NY, 10502] called me to give me an update regarding the status of the project and to tell me when ECI will send the RIR and the RAWP. Mr. Kedem explained that his client, El Lilikakis, had sent him the

aforementioned letter by email and had asked him to make contact with me. Mr. Kedem explained that he is the person overseeing the entire project for Mr. Lilikakis. Mr. Kedem stated that he had been in contact with Mr. Chawla over the past few weeks. The remediation was 90 done and the RAWP was 95 done. However, there have been changes

in the developement design. Mr. Lilikakis signed off on the changes, but the architect has yet to incorporate the changes into the RIR and the RAWP. So things are moving very slowly right now. The entire site will be excavated to one foot above the water table. I asked Mr. Kedem why he wasn't going to go into the water to remove the possible smear zone. He said that if the water table is intersected, then the soil surrounding the excavation would be too weak to support the type of foundations that will be constructed. He added that the homes will have basements. So, it wouldn't be a good idea to go deeper. The RAWP will include solution injections to be performed by geoprobe at 22 different locations. The injection solutions will include hydrogen peroxide and an oxygenation agent. I told Mr. Kedem that this sounded fine. He finished the discussion by asking that the due date for the report and the plan be changed to June 5, 2015. I told him that this would be alright. With that, he stated that the DEC will receive a letter very soon from his client memorializing our discussion. After this, the conversation ended. 4/8/15 - Raphael Ketani. Mr. Kedem ((914) 588-4747/nkedem@enviroci.com) called me today. He said that OER doesn't require an SSDS because the basement will primarily be a garage with large air flows. The basement will be 90 garage and 10 storage. He will send a letter stating this to the DEC. However, a vapor barrier/water proofing barrier of series 600 HDPE will be installed. The RAWP will contain architectural plans and pictures showing the installation of the barrier. Additionally, he said that the SSDS would not work efficiently to ventilate the sub-slab area as the basement slab will be from 1 foot above to several inches below the water table. There isn't room for the system and all of the water will ruin the equipment. I told him that this sounded reasonable and to make sure that his explanation is included in the RAWP. He said that it will. 4/20/15 - Raphael Ketani. I received a letter dated 4/8/15 from Mr. Kedem memorializing our conversations on 4/7/15 and 4/8/15. I reviewed the letter and the statements made about the submission of the RIR and the RAWP. I determined that the letter was accurate. The letter also stated that the depth of excavation would be to one foot above the water table or to the water table. It was also noted that the DEC had approved the submission of the RIR and the RAWP by 6/5/15. These were also accurate statements. I sent an email to Mr. Kedem stating that the letter accurately represented our conversations. I also stated in my response email that if the first round of solution injections doesn't reduce the soil contamination to CP-51 unrestricted residential standards, then additional rounds of treatment or alternative remedial measures will have to be taken. Mr. Kedem called me by phone in response to my email. He stated that the NYC OER was allowing Environmental Consulting International to remediate the site in accordance with OER Track 4. This implied that the remediation could not be done to restricted residential soil standards and that engineering controls (a concrete basement slab, vapor barrier, active system for high volume air exchange) would be allowed to be used to mitigate any vapors. Mr. Kedem added that the cleaning up of the soil and the groundwater would not be attainable as the vapor barrier and the concrete slab would be laid down shortly after the treatment solutions are injected. Additionally, Mr. Kedem

said that the great majority of the soil contamination will be removed as the site will be dug out to 11 feet below grade (the depth to the water table). I told him that the excavating would be a good initial attempt at remediating the site. I stated that end point samples will have to be taken after the excavating. Mr. Kedem said that this will be part of the RAWP. He added that two groundwater monitoring wells will be installed downgradient in order to monitor

the contaminant concentrations. I responded by stating that what he had just told me during this conversation sounded like a reasonable plan. With this, the conversation ended. 6/8/15 - Raphael Ketani. I reviewed the Environmental Consulting International May 2015 Remedial Investigation Report. The report contained the Athenica Environmental Services Phase I Environmental Site Assessment dated 5/22/13. The development plans for the site calls for the construction of a one story commercial building with stores on the ground level and a garage in the basement. Future development plans may include the construction of an apartment building above the stores. The site was a gas station from 1931 to 2007. The south adjacent property contains an active gas station with open spill #9714266 (most of the on site wells have product and groundwater flow is east). The depth of excavation for the perimeter foundations would be 11 feet bgs. The depth of the excavation for the interior foundations would be 12 feet. Ten USTs were registered with the DEC. Contaminated soil was temporarily encapsulated on site until all of the contaminated soil could be removed during one operation. From 1/29/14 to 1/31/14 the USTs were removed. Eight (8) 550 gallon gas/diesel USTs were removed from the site along with two 550 gallon waste oil USTs and a 550 gallon fuel oil AST. According to the report, the tanks did not show signs of hole or corrosion. About 4389 gallons of mixed liquids and 3000 lbs. of bottom sludge were removed. Soil end point samples were taken in the tank graves on 1/31/14 and 2/4/14. Elevated PID readings were observed up to 1439 ppm and petroleum odors were encountered above the water table interface, then at 2 feet bgs and finally at 12 feet bgs in all borings and the test pits in the areas of the USTs, the dispenser islands and the fuel lines. Nineteen (19) soil borings/test pits were installed across the site. Six monitoring wells were installed. A GPR survey and an EM survey were performed on 8/19/13. There were lots of interferences. So the surveys failed. Throughout the site, borings were performed from 2/12/14 to 2/27/14 to 17 feet bgs (5 feet below the water table). The test pits were dug from 1/29/14 to 2/6/14 to 14 feet bgs. Elevated PID results up to 1772 ppm were encountered from the interface to 17 feet bgs in the soil borings. Elevated PID results were found in the test pits at 14 feet bgs and in the wells to 19 feet bgs, except for a total of 5 borings and wells. It was found that the site is comprised of historical fill from ground surface to 4.5 feet or 6 feet bgs. This was followed by native fine to medium sand with silt and gravel, or no silt, and gravel and then clay lenses. Groundwater was encountered in the subsurface from 11 feet to 13.4 feet bgs. The TCL VOC analytical results for borings B-1 to B-3 (0' to 12' samples) were almost entirely non-detect, except for B-3 (9'-11'). B-3 had 700 ppm ethylbenzene, 2150 ppm total xylenes, and 24 ppm toluene. B-11 (12' to 14') had 52 ppm ethylbenzene, and 533 ppm total xylenes. B-11 (14' to 15') was almost entirely non-detect. B-18 and B-19 were almost entirely non-detect. Regarding the test pit results, TP-B-4 was almost entirely non-detect. TP-B-5 (10' to 12') had 6.7 ppm ethylbenzene, and 6.3 ppm p&m xylenes. TP-B-5 (12' to 14') had 19 ppm ethylbenzene, 7 ppm o-xylenes and 36 ppm p&m xylenes. The TP-B-6 (12' to 14') samples were almost entirely non-detect. The TCL SVOC analytical results for B-1 to B-3 were essentially all non-detect. B-7 was entirely non-detect. TP-B-4 and TP-B-5 were essentially all non-detect. TP-B-6 was almost entirely non-detect. TP-B-7 was entirely non-detect. For the SVOC base neutrals, B-11 was almost entirely non-detect, except for 2-methylnaphthalene and naphthalene. B-18 and B-19 were essentially all non-detect. For the pesticides and PCBs, all of the test pit and boring samples were essentially

non-detect. For the STARS list of VOCs, TP-B-4 (12' to 14') had 4 low exceedences. TP-B-5 had many low to moderate exceedences in the 10' to 12' and 12' to 14' samples. TP-B-8 had many low exceedences in the 10' to 12' and 12' to 14' samples. TP-B-9 had many low hits and 3 high exceedences to 320 ppm in the 10' to 12' sample with lots of low hits. The 12' to 14' sample for TP-B-9 had some very low hits and non-detects. TP-B-10 (12' to 14') had 2 high exceedences to 130 ppm and the rest were mostly low to moderate exceedences. TP-B-12 was essentially all non-detect. TP-B-13 (10' to 12') had 3 high exceedences, 2 very high exceedences to 340 ppm and 3 extremely high exceedences to 1200 ppm. TP-B-13 (12' to 14') had 2 high exceedences, 2 very high exceedences and 2 extremely high exceedences to 900 ppm. TP-B-14 (10' to 12') had non-detects and low hits. TP-B-14 (12' to 14') had 3 moderate exceedences, 3 high exceedences, and 2 very high exceedences to 410 ppm. TP-B-15 (10' to 12') and TP-B-15 (12' to 14') had low, moderate, high and very high exceedences. B-16 (8' to 10') had non-detects, and low, moderate and a few high exceedences. B-16 (12' to 14') had 6 non-detects, 4 moderate exceedences, 2 high exceedences, 3 very high exceedences to 650 ppm and 2 extremely high exceedences to 1300 ppm. B-17 (10' to 12') and (12' to 14') were equally contaminated with moderate to high exceedences, 3 and 4 very high exceedences and 2 extremely high exceedences to 1300 ppm. The SVOC results were almost entirely non-detect when samples were tested for these analytes. The VOC results for end point samples from the tank graves were almost entirely non-detect. These were the locations SB-1 and SW-1 to SW-5. The SVOC results for the tank grave end point samples were essentially non-detect. The property is 12 to 12.85 feet above sea level. Groundwater is at 11 to 13.4 feet bgs. Groundwater flows to the south. Groundwater was sampled on 3/20/14. The VOCs were tested for TCL analytes. MW-5 and MW-6 were essentially all non-detect. MW-4 had 14.8 ppb of total xylenes and the rest of the VOC analytes were almost entirely non-detect. MW-1 was almost entirely non-detect with the exception of 23 ppb of benzene, 290 ppb of ethylbenzene and 395 ppb of total xylenes. MW-2 was mostly non-detect with 250 ppb of toluene, 800 ppb of benzene, 1000 ppb of ethylbenzene and 3060 ppb of total xylenes. MW-3 was mostly non-detect with 250 ppb of toluene, 510 ppb of benzene, 930 ppb of ethylbenzene and 3800 ppb of total xylenes. The SVOC, pesticides and PCB results were essentially all non-detect. Groundwater results for the STARS list VOCs showed much more contamination in MW-1 and MW-3 with many very high and extremely high exceedences for MW-2 and MW-3. Soil vapor samples were collected during the investigation and showed the presence of chlorinated VOCs and petroleum VOCs. The vapors originated from the groundwater and the deep soil and possibly the service area. Vapor samples were taken from SVI-1 to SVI-4 on 2/7/14. SVI-1 to SVI-3 dilutions were from 1.9 to 9.2 times. The dilution for SVI-4 was 951 times. SVI-1 to SVI-3 had many non-detects and total VOCs from 132.6 ug/m3 to 574.5 ug/m3. SVI-4 had 434,390 ug/m3 total

VOCs with many very high exceedences from 21000 ug/m3 to 87000 ug/m3. The concentration of PCE in 3 vapor samples was up to 120 ug/m3 and reached this concentration at SVI-2, which was closest to the former service area of the facility. However, PCE was not found in the soil samples. Total BTEX in the vapors ranged from 63.8 ug/m3 to 230,000 ug/m3. DEC project manager's technical review comments: The soil VOC results frequently exceeded the CP-51 unrestricted residential standards. The concentrations of a number of the VOC analytes in groundwater samples MW-1 to MW-3 were very far above the TOGS 1.1.1 standards to be acceptable for closure. The vapor sample for SVI-4 was extremely high and therefore above the NYS DOH exposure

standards. The use of a vapor barrier and high volume ventilation for the garage may not necessarily protect the workers in the stores or their customers as the vapors can travel up the concrete walls and enter the interiors of the stores. Additionally, the vapor barrier does not mitigate the continuing presence of the high concentrations of contaminants, which may travel off site. In other words, the contamination problem is not going to be resolved. Therefore, it is the Department's determination that deeper excavation than 11' or 12' bgs is necessary to remove the contamination and bring the site into environmental compliance. Next, I reviewed the May 2015 Remedial Action Work Plan. The proposed remedy consisted of 18 items which are listed below: 1) prepare a community protection statement and implementation of a citizen participation plan 2) perform community air monitoring 3) establish track 4 soil cleanup objectives (SCOs) 4) site mobilization 5) excavation of soil/fill which is above the SCOs 6) screen the soil/fill during the work for contaminants 7) removal of USTs and close sources of petroleum spills 8) collect and analyze the soil end points samples 9) demarcation of the residual soil/fill 10) transport and offsite disposal of the soil/fill 11) in situ groundwater treatment with continuing monitoring 12) construct and maintain an engineered composite cover with a vapor barrier below the basement concrete slab and behind the foundation walls 13) install and operate the garage's high volume ventilation system 14) implement storm water pollution prevention measures 15) perform all activities required for the remedial action 16) submission of the Remedial Action Report (RAR) 17) submit an approved Site Management Plan (SMP) in the RAR for long term management of the residual contamination 18) the property will continue to be registered with an E-designation by the NYC Buildings Department and the establishment of engineering controls and institutional controls in this RAWP and the management of controls must be in compliance with the approved SMP Soil, groundwater and vapor analytical results were also included in the RAWP. I also reviewed Figure 9 titled In Situ Groundwater Treatment Plan Remedial Action Work Plan. The figure showed an area in the western half of the site which was shaded light gray. This was the area to be remediated with the KlozurCR treatment solution. It included the locations where the high VOC contamination were found. These locations included B-3, B-11, B-16, B-17, TB-B-9, TB-B-13, TB-B-14, TB-B-15, wells MW-1 to MW-3 and SVI-4. Approximately 3645 lbs. of the KlozurCR chemical mixture would be used. The treatment solution injections would start at 1 foot above the water table and go down into the water table. DEC project manager technical review comments: The 18 items of the proposed remedy were found to be the standard acceptable practices for managing the remediation of a spill site. However, due to the high to extremely high concentrations of contaminants in the soil and the groundwater in the western part of

the site, the project manager has determined that excavating the eastern part of the site to 12 feet bgs and excavating the western part of the site to about 16 feet bgs is the only way to remove enough contamination such that the groundwater concentrations will be at or about the TOGS 1.1.1 standards. 6/19/15 - Raphael Ketani. I had a conference call with Shaminder Chawla (212) 676-4959, Assistant Director at the NYC OER, and his staff regarding the site. I told him that I had reviewed the May 2015 Remedial Investigation Report and that the Department had found the levels of contaminants to be very high down to about 14 feet below grade and, in places, down to 16 feet bgs. I told him that there were also very high vapor concentrations at one location that were unacceptable to the Department. I added that the vapor barrier and the presence of a

garage in the basement would not be sufficient protection. He agreed and stated that he will tell the consultant and the owner to dig down to 16 feet throughout the entire site. Mr. Chawla asked that the DEC send a letter to this effect. I told him that I will. 6/24/15 - Raphael Ketani. I sent a letter to Mr. Lilikakis. In the letter, I stated that the Department had reviewed the May 2015 Remedial Investigation Report and the May 2015 Remedial Action Work Plan. I also stated that we had discussed the plans for remediating the site and the construction of the commercial building with Mr. Kedem. It was stated that the soil contamination must be reduced such that the resulting groundwater analyte concentrations meet the TOGS 1.1.1 standards. However, the Department will wave the requirement to conduct excavation down to 16 feet below grade provided the approved three rounds of soil treatment reduce the analyte soil concentrations to about the CP-51 unrestricted residential standards. Though, if the treatments are not successful, then the soil in the western part of the site must be excavated down to 16 feet bgs. This letter was also sent to Mr. Kedem nad Mr. Chawla. Later, Mr. Kedem ((914) 588-4747/nkedem@enviroci.com) called me today in order to make the case for his client, Michael Lilikakis and his son El Lilikakis, that the excavating should go only to 12 feet below grade. He started by stating that Mr. Chawla had told him that the DEC wanted the entire site excavated to 16 feet below grade. Mr. Kedem continued by stating that excavating to 16 feet bgs would be cost prohibitive. His client wont be able to get financing for doing the remediation and that he will have to sell the property. He added that Mr. Lilikakis had never visited the site, never operated a gas station and never knew what was going on. Though, Mr. Kedem stated, he realized that by State environmental law his client was still legally responsible for the spill. The owner doesn't have lots of money to do the remediation and construction work. He can't get the financing unless he builds a building. Mr. Kedem explained that the plan was to do the injections, install the building footings, install monitoring wells and permanent injection points and then build the building. I told Mr. Kedem that, from my professional experience, this will make further remediation difficult, if not impossible, as the placing of the basement floor and the vapor barrier will limit the areas that can be reached for treatment. I added that I have seen mixed results for treatments with ORC or RegenOx, so we are concerned that the remediation will not be completed and yet the building will already be constructed. Mr. Kedem stated that he will use KlozureCR. He said that he has had good results with this treatment solution. It promotes aerobic remediation, anaerobic remediation and oxidation with activated persulfate and calcium peroxide. After the injections, the soil will

be checked at 4 months and at 12 months. I asked Mr. Kedem what he will do if the results show that the VOC concentrations are not reduced enough to meet the standards. He responded by stating that he will just do more injections. This is why permanent injection points will be installed. I told him that constructing the building before the remediation is finished is not the way to conduct the remediation of the site. I asked him why not dig everything out first to 16 feet. He said that the footings need to be placed on virgin soil that is not in the water table. I asked him why pilings could not be driven into the ground in this area. He said that this would make the project too expensive. I reminded him that the soil needed to be cleaned up so that the groundwater could meet the TOGS 1.1.1 standards. Mr. Kedem said that he understood this. I asked him whether Mr. Lilikakis still had the idea to someday build an apartment building on top of the stores. He said that this plan no

longer existed. He added that they could change the track to commercial with the NYC OER. I told him that we could go along with solution injections, but if the injections don't clean up the soil sufficiently, then we would still require excavation. Mr. Kedem asked whether the DEC would reconsider its idea of excavation to 16 feet below grade. I told him No because this was the most efficient way of removing the contamination. With that, the conversation ended. 12/28/15 - Raphael Ketani. As there has been no communication nor report submissions during the past 6 months regarding the site, I sent an email to Mr. Kedem (914) 588-4747 (nkedem@enviroci.com), Mr. Lilikakis (elilikakis@gmail.com) and Mr. Chawla requesting the documentation by January 8, 2016, or else the spill case will be referred to our Legal division for possible action and fines. 12/31/15 - Raphael Ketani. Elefterios Lilikakis sent me an email today regarding the site and remedial progress. He stated that they have been seeking an experienced partner to help them in the remediation and development of the site. During November 2015, they found a partner. They are in the final stages of negotiating with the developer and should finalize the arrangements in the coming weeks. The developer has reviewed the Investigation Report and all of the correspondences and sees no problems with the DEC recommendations. I sent a response email to Mr. Lilikakis stating that since another party was becoming involved in the remediation and development of the site, the DEC will not hold MGR Realty Associates to the deadline. However, I stated that we expected remedial progress to begin in the next 3 months. 2/4/16 - Raphael Ketani. I sent an email to Mr. Kedem and Mr. Lilikakis requesting an update regarding remedial progress or preparations for remedial work at the site. I reminded them that the Department expected to see progress by March 31, 2016. 2/8/16 - Raphael Ketani. Mr. Lilikakis sent an email stating that he did not have an update for the Department regarding the remediation of the spill. However, he expected to have one by the end of the week. He will be meeting with the developer on Friday, February 12th. 2/26/16 - Raphael Ketani. I received an email today from Mr. Chawla (212) 676-4959. In his email, he stated that he had discussed the site with the developer today. The developer stated that development is on hold, but that they want to perform the DEC required remediation. Mr. Chawla concluded his email by stating that I should expect a call from them. Below this email was another one from Mr. Kedem (914) 588-4747/nkedem@enviroci.com (see DECdocs). Mr. Kedem stated in his email that due to the DEC's requirement that the contamination be excavated, development of the site would be cost prohibitive. This

was because the removal of the contamination would require excavating down to 20 feet below grade with shoring that would protect the excavation. Dewatering would also have to take place. Due to the required excavating, the project will have to be redesigned in order to offset the costs with additional rental income. Thus, the property owner would like to proceed right now with just the DEC required remediation. Mr. Kedem finished his email by stating that he would like to submit a revised RAWP to the OER for conducting only the remediation. 3/11/16 - Raphael Ketani. Mr. Elefterios Lilikakis sent me an email stating that the engineer for the development project has begun working on the plans for shoring in preparation for excavating. Once the plans are ready, they will be submitted to the NYC DOB for approval. The engineer estimates that it will take 2 weeks to complete the plans. Once the DOB approves the plans, then they will be sent to the DEC. 4/19/16 - Raphael Ketani. As there has been no communication in a month regarding progress at the site, I sent an email to Mr. Lilikakis (elilikakis@gmail.com) and Mr. Kedem (914)

588-4747/nkedem@enviroci.com requesting a progress update. Later, Mr. Lilikakis sent me the following email: I just sent an email to the architect asking for an update on the project. Hopefully I will have an answer today or tomorrow for you. As soon as I receive the update I will notify you with the information. 4/20/16 - Raphael Ketani. Today, I received the below email from Mr. Lilikakis: Just got off the phone with the engineer Mr. Joseph Badinter PE. The drawings for shoring should be finished by this Friday, April 22. From there the drawings will be sent to the Architect for review. Barring any problem they should then be submitted to the DOB. 5/9/16 - Raphael Ketani. Today, I received an email from Mr. Lilikakis: Shoring drawings have been completed by the engineer and forwarded to the architect on Thursday May 5th. I was informed on Friday that we will need updated Architectural drawings since they are more than one year old. These have been ordered and should bee ready in about 2 weeks. Also, I was informed that we will need updated Borings. I have already contacted the company and informed that they will give me a time frame for completion at the end of the week or early next week. 6/3/16 - Raphael Ketani. I received an email update from El Lilikakis. He stated the following: 1- The Architectural Survey has been completed by Apple Surveying and delivered to the Architect, Bricolage Designs. 2- Inertnational Geotechnical/Structural Labs will be proceeding with the borings. Tentatively the start date is Wednesday, June 8th weather permitting. We will be confirming that date on Monday. I will notify you as soon the date has been reconfirmed. 6/7/16 - Raphael Ketani. El Lilikakis sent me an email stating that International Geotechnical will be at the site on 6/8/16 as planned. 7/25/16 - Raphael Ketani. Mr. Hong(?) (914) 588-4747 called today to request a conference call regarding the site. I agreed to have this call on Wednesday, 7/27/16, at 1 PM. Later, Nahum Kedem, PG, President, Environmental Consulting International, Inc. [#158, 923 Saw Mill River Road, Ardsley, NY 10502, Phone: 914-588-4747, Email: nkedem@enviroci.com] sent me an email to confirm the date and time of the conference call. He stated in his email that Dr. Ravi Srirangam, Northeast Technical Manager of PeroxyChem, LLC, will participate in the conference call. 7/27/16 - Raphael Ketani. The conference call with Mr. Kedem and Mr.Srirangam took place as scheduled. As far as I understood from Mr. Kedem (who had organized the call), there were no other participants. Mr. Kedem stated that the client (MGR Realty Associates, LLC) wants to build on the site.

Initially, Mr. Kedem and Mr. Srirangam suggested not doing further remediation because the high soil contamination was not resulting in correspondingly high groundwater concentrations. I corrected them and stated that Figure 9 of the 6/8/15 report shows very high to extremely high groundwater analyte concentrations. Mr. Kedem suggested that the DEC allow the construction to take place in the very near future. He stated that groundwater treatment wells could be installed in the foundation in order to conduct future remediation events. I told Mr. Kedem and Mr. Srirangam that this was unacceptable to the DEC because, from the Department's experience, when the construction of the building takes place before remediation of the spill has been completed, the contamination is never removed or reduced to levels close to the State soil or groundwater standards and sometimes product is never recovered. Mr. Kedem stated that excavation of the affected area (the western half of the site - see the figures in DECdocs) would be prohibitively expensive. Mr. Srirangam stated that the more cost effective idea was to conduct a series of solution injections via direct push. He explained that there could be a large dose of the treatment solution at each

injection location which could be followed by at least one smaller dose, if necessary. Then groundwater samples could be taken. He asked how low the resulting concentration levels needed to be to satisfy the DEC. I told Mr. Srirangam that groundwater samples should not be taken any sooner than 3 months after the injections are completed. Mr. Srirangam agreed to this and stated that getting the groundwater concentrations to the 90th or 95th or 99th percentile in reduction would be too expensive for this client. It could cost millions of dollars and take up to 10 years. Again, Mr. Srirangam asked what concentrations would satisfy the DEC. I told him that Figure 9 from the 6/8/15 report shows that benzene was at 800 ppb in the groundwater from MW-2 (the former pump island area). Mr. Srirangam stated that the groundwater will never be completely clean. I told him that the State was not looking or expecting MGR Realty Associates to get the groundwater so clean. I added that we just expect the concentrations to be somewhat close to the TOGS 1.1.1 standards when the remediation is completed. Mr. Srirangam and Mr. Kedem asked how low would be acceptable. I told them that it's very hard to say where the concentrations will end up at the end of the 3 month period when the groundwater is first tested. Mr. Srirangam pushed for an answer and stated that his client needed a reasonable construction initiation date. I told him that the State will have to see what the results are. Mr. Srirangam suggested reducing the benzene concentration by 70 at MW-2. I told him that getting the benzene concentration at MW-2 reduced to below 100 ppb would be alright. Mr. Srirangam asked about the total xylenes concentration (over 1000 ppb). I told him that getting the analyte to below 500 ppb would be acceptable. I added that 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene and toluene would also have to be reduced just as much percentage wise. Mr. Srirangam asked about MTBE and naphthalene. I told him that, from looking at Figure 9, the State was not concerned about these present concentrations and expected them to decrease further with the treatments. Mr. Srirangam stated that, in light of what I had just said, this plan was feasible. I again told both Mr. Kedem and Mr. Srirangam that the DEC did not want to see construction starting before the remediation is completed to the satisfaction of the DEC. Mr. Srirangam told me that his client would be satisfied to start construction a year from, if

he could count on this date. He added that groundwater treatment wells would be installed in the foundation in the event the State wanted more treatment. I told Mr. Kedem to send me a letter memorializing our conversation today. With that, the phone call ended. Later today, Mr. Kedem sent me a letter dated 7/27/16 on official Environmental Consulting International, Inc. (ECI) letter head. The letter memorialized our agreement regarding the plan to treat the contamination and sample the groundwater. In the letter, Mr. Kedem stated that the owner, 2633 Ocean Realty, LLC, had agreed to the plan. The items agreed to were: 1) upon completion of the removal of the contaminated soil above the water table, PeroxyChem will inject the treatment chemicals by the direct push method starting at the water table and continuing 6 feet deeper; 2) one or more injection events will take place and groundwater sampling will take place 3 months after each event. The samples will be analyzed for CP-51 gasoline parameters; 3) redevelopment of the site will not commence until the benzene concentrations are below 100 ppb and the other analyte concentrations are each below 500 ppb, and NYS DEC reviews the results and concurs that this was achieved; 4) once DEC concurs that the agreed upon reductions were achieved, then the development will commence; 5) if necessary and required by the DEC,

injection wells will be incorporated into the construction design. 8/1/16 - Raphael Ketani. I responded to Mr. Kedem's 7/27/16 letter by email and stated the following: Regarding the first condition, it had been stated during our conference call on 7/27/16 that, initially, a large amount of the treatment solution would be injected. As this would be done, the State asks that ECI and PeroxyChem not conduct further injections until the groundwater results can be evaluated by the Department for 2 quarterly rounds of sampling, after which more treatment solution injections may be requested. Also, please be advised that ECI must wait at least 48 hours (from the date of well installation) before conducting well development. Once development has been performed, then the wells must be allowed to sit undisturbed for 3 months in order to allow the environment surrounding the wells to return to pre-installation conditions. Well sampling must continue quarterly until the targeted limits for benzene and the total xylenes have been reached. Additionally, please be advised that CP-51 refers to the soil standards, not the groundwater standards. The groundwater samples must be analyzed via methods 8260 and 8270. Later, Mr. Kedem [914-588-4747, Email: nkedem@enviroci.com] called to discuss the above response email. At the end of the conversation, we agreed that development was not necessary as grout will not be used in the construction of the wells. It was also agreed that groundwater sampling and additional solution injecting can take place at the discretion of ECI and PeroxyChem with the understanding that quarterly sampling must still be performed. Lastly, both Mr. Kedem and I agreed that the groundwater samples need only be analyzed via method 8260. 2/27/17 - Raphael Ketani. As there had been no communication from either Mr. Lilikakis (elilikakis@gmail.com) or Mr. Kedem [(914) 588-4747/nkedem@enviroci.com] since August 2016, I sent an email to them stating that the lack of communication and the failure to submit the required monitoring reports suggested to staff at the Department that no work was taking place at the site. I indicated that we could only assume that the contamination still existed and was not being cleaned up. This was a violation of Section 176 of Article 12 of the Navigation Laws. Additionally, I stated that they must submit the post injection monitoring reports by 3/17/17 in

order to avoid possible fines and legal action. Later, Mr. Kedem responded by email. He stated the following: I apologize for not keeping you in the loop. I have been working on this project since our last communication and assumed that you were aware that there is significant amount of work needed prior to injections. Prior to commencement of the injections, it is necessary that all SOE work and petroleum-impacted soil and other materials excavation and disposal are completed. First, the SOE was redesigned to allow for injection access and elevation and SOE drawings were prepared. The SOE drawings and all necessary documents were then filed with DOB. Since this is an E-Designated site, OER required a detailed Soil/Material Management Plan that covers all the SOE work, soil/material excavation and offsite disposal and associated Construction Health and Safety Plan. OER reviewed the Soil/Material Management Plan and Construction Health and Safety Plan and, on December 22, 2016, filed a Notice To Proceed with DOB. Without this Notice To Proceed, a construction permit cannot be issued for the SOE and excavation work at the site. Upon notification that a Notice To Proceed was filed with DOB, contract and bid documents for the SOE and excavation were prepared. This entails revision to the SOE drawings that were necessary for use as bid drawings. The contract and bid documents were submitted to the owner for review by him and his attorney. I was informed by the architect that these revised SOE drawings would be

filed with DOB this week and this morning the owner provided me with his comments on the contract and bid documents. We are now in the process of bid solicitation. Once the bid process is completed we expect to have an idea from the selected contractor as to the schedule of the work. I will provide you with a work schedule as soon as it is determined. 2/28/17 - Raphael Ketani. I responded by email to Mr. Kedem [(914) 588-4747/ nkedem@enviroci.com] and stated that he should not assume staff at the Department are aware of all the steps that are necessary prior to further work on the site. I added that every project is different and that the NYC OER's degree of involvement in the project and focus is different than that of the DEC. However, I said, in the future, he should still send us email updates as each step of the project is reached. Mr. Kedem responded by email and stated that he will send the Department monthly updates. I sent him an email stating that this was fine. 4/5/17 - Raphael Ketani. Mr. Kedem sent me an update by email. He stated the following: Bid solicitations for the SOE and excavation work were sent last month and receipt of bids is expected towards the end of this month. As previously indicated, once the bid process is completed we expect to have an idea from the selected contractor as to the schedule of the work. 5/4/17 - Raphael Ketani. Mr. Kedem called me today. He explained that he had sent out 5 work proposals to the contractors he had chosen and did not receive responsible bids from any of them. This meant, as he explained, that none of the contractors had submitted bids which included all of the work that needed to be done at the site. Some contractors were willing to do the excavation of clean soil, but not contaminated soil. One contractor wanted to install H piles near the gas tanks of the neighboring gas station by pounding them in, rather than installing sheeting with supports. The vibrations from the pounding would have damaged the connections to the tank piping and could have possibly caused a spill. So, this was not acceptable. None of the contractors were willing to install fencing and signage prior to work at the site. According to Mr. Kedem, one of the contractors he wanted to

send a proposal to told him that the job was too small. Some contractors that he had simply contacted told him that they would not work with other contractors on the job. Because of the difficulty in finding the right contractor, the start of the remediation and development work has been stalled. Mr. Kedem assured me that he hadn't forgotten about DEC. He said that he is also dealing with the NYC OER in order to get the project started. Mr. Kedem ended our conversation by telling me that he will continue to send email updates and that he is not ignoring DEC's requirement that the contamination be remediated. I told him that I appreciated the phone call and I wished him luck in finding the right contractor or contractors. With that, the conversation ended. 6/12/17 - Raphael Ketani. Mr. Kedem [(914) 588-4747/nkedem@enviroci.com] sent me a monthly project status update as a short email. He stated that there were no changes from last month's status. I wrote in response that the DEC is keeping an eye on the project and is not happy that progress has been stalled. I added that 2633 Ocean Realty, LLC must continue to pursue obtaining contractor services in order that the remediation project may take place. 7/24/17 - Raphael Ketani. Mr. Kedem [(914) 588-4747/nkedem@enviroci.com] sent me a monthly project status update as a short email. He stated that two contractors have been identified for consideration for the SOE and excavation work. They are currently going through the qualifying process. He will notify me when the legal contracts are signed and a schedule is constructed. Also, he will continue to send monthly updates. 11/2/17

- Raphael Ketani. I sent Mr. Kedem an email requesting a progress update. 11/6/17 - Raphael Ketani. Mr. Kedem sent me a response email today: As previously reported, the property owner has been in negotiations with a developer for developing the property (constructing the entire new building) whereas the support of excavation (SOE) in the remediation area would be the first step and part of the new building construction. Unfortunately, the property owner (El Lilikakis s father) had a stroke in the summer and has not been in a condition to complete the negotiations. He is recovering and it is anticipated that negotiations will resume in the next couple of weeks. Notwithstanding the above, we never ceased looking for a contractor who would perform the SOE and excavation work only in the remediation area but have not been able to find any contractor who would do that without constructing the entire new building. The problem is not with the remediation but with the SOE that is required by DOB in order to perform the remediation. I will resume with the monthly reporting. I sent a response email confirming that I had read Mr. Kedem's email. 12/19/17 - Raphael Ketani. Mr. Kedem sent me an email stating that El Lilikakis was still recovering from his stroke and, thus, no progress had been made regarding negotiations with the SOE contractor. Progress is at a standstill. 12/20/17 - Raphael Ketani. I sent an email to Mr. Lilikakis elilikakis@gmail.com and to Mr. Kedem [(914) 588-4747/nkedem@enviroci.com] inquiring as to whether someone else with authority can continue the negotiations in Mr. Lilikakis' place. I added that due to the length of time (18 years) the spill case has remained unresolved, the State was considering opening up a PIN case to remediate the spill. Later, Mr. Kedem responded by email and stated that he will discuss my email response with the owner and get back to me. 12/27/17 - Raphael Ketani. El Lilikakis [(646) 338-2225/elilikakis@gmail.com] called me today to discuss the status of the remediation project. He stated that his father was on the verge of signing a contract with a

developer for remediating the site and developing the property. However, he said the doctors had told him that his father needed another couple of months to recover from his stroke. At that time, the elder Lilikakis will be fully recovered and able to understand what is going on around him and able to sign any documents. In light of this, Mr. Lilikakis asked that the Department grant an extension of the deadline for starting the remedial work. I gave him until March 3rd to submit to the DEC a copy of the fully signed development contract and a date for the start of the work to address the contamination. Mr. Lilikakis said that this date was enough time for his father and the conversation ended. 1/11/18 - Raphael Ketani. Mr. Kedem [(914) 588-4747/nkedem@enviroci.com] sent me an email stating that he had talked to the owner's son regarding his conversation with me on 12/27/17. The owner is looking for ways to accelerate progress at the site. 2/23/18 - Raphael Ketani. Mr. Kedem sent me an email stating that El Lilikakis will contact me by phone to discuss the site and progress. 3/2/18 - Raphael Ketani. Kevin Kleaka of Impact Environmental ((516) 805-8892 called me today. He said that the property is on the verge of being sold to a new owner/developer. The new owner will be 2633 Ocean Avenue Development, LLC. They are in contract with Mr. Lilikakis. Impact Environmental has been retained as the consultant. 2633 Ocean Avenue Development will also work with the NYC OER via the VCP since an apartment building will be constructed. Mr. Kleaka commented that the new owner intends to excavate all of the contamination, including the material in the water table. I told Mr. Kleaka that would take care of the remediation of the site. I added that there was a gas station next

door with product on the water table. However, to the best of my knowledge, the remediation of that site was not progressing. So he could see product coming into the Park Avenue Intrade property from there. He said that he will keep an eye out for any product. Mr. Kleaka added that he will keep me informed about progress at the site. With that, the conversation ended. 3/29/18 - Raphael Ketani. Mr. Chawla [(212) 442-3007/Shaminder@dep.nyc.gov] called me today regarding the site and a meeting he had just had today with the new owner and his consultant. Also, he wanted to be sure of what the DEC wanted in the way of remedial work. Mr. Chawla stated that the consultant will dig down 11 feet in most areas of the site, and a little deeper in some places. They will go into the water table. Additionally, bioremediation would be used to remediate the contamination. I warned Mr. Chawla that the gas station next door had product on the water table. I added that if 2633 Ocean Avenue Development digs deep in their property, then this oil may be released and flow onto their site. Mr. Chawla said that he mentioned this issue to the owner and his consultant, but they refused to install steel sheeting to prevent this from happening. I told Mr. Chawla that it would be a shame if they dug out all of the contamination only to have it recontaminated by the oil from the neighbor. He stated that the consultant took soil and groundwater samples 2 weeks ago, but NYC OER hasn't received the results yet. Next, I spoke with Mr. Chawla's assistant, Alicia. She said that the remedial strategy for the site was written back during July 2016. The goal is to remediate to the extent feasible. One location adjacent to the gas station with floating product had a vapor detection of 230,000 ppb of BTEX. I told her and Mr. Chawla that they needed to contact the NYS DOH and let them know about the high vapor result. Mr. Chawla said that they will. I asked them why the vapors should be

so high at this one location. Alicia said that they suspected it was because the location was right next to the neighboring gas station. Alicia also stated that a parking garage with 24 hour ventilation will occupy the basement of the new building. Mr. Chawla stated that the consultant will send a full work plan to OER. Once he has it, then he will send DEC a copy. I told him that was fine. With that, the conversation ended. 4/27/18 - Raphael Ketani. Yesterday, I received an email from Katie Miller of Impact Environmental [(201) 268-5686/(631) 269-8800 ext 184/cell (631) 269-1599/kmiller@impactenvironmental.com]. She stated the following: I am reaching out to introduce myself and inform you that Impact Environmental Closures, Inc. has been hired as the Environmental Consultant for proposed redevelopment activities at 2633 Ocean Avenue, Brooklyn NY (NYCOER # 13EHAZ508K/ NYSDEC Spill # 9912611). Impact has developed a Remedial Action Work Plan for the site and has submitted it to the NYCOER for review; Shaminder Chawla will be forwarding onto you shortly. I will be in touch with you in the near future to confirm that the actions described in the RAWP are acceptable to the DEC and that there are no additional requirements. Please feel free to contact me with any questions or comments. May 1, 2018 - V. Brevdo Due to Project Manager Raphael Ketani's retirement on April 27, 2018, Vadim Brevdo became new project manager for this spill case effective April 30, 2018. On April 27, 2018, Vadim Brevdo replied to Impact Environmental, Katie Miller with the following e-mail: Thank you, Ms. Miller. I will look for incoming correspondence on this project and am committed to reviewing it in a timely manner. I will reach out to you or Ben Hernandez-Salazar should I have questions or need to discuss. Thank you. Vadim VB VB May 15, 2018 - V. Brevdo Former Gas Station Proposed 8-Story Mixed

Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) The site is a former gas station with petroleum impacts in groundwater and soil vapor. Project development team proposed site development in conjunction with remediation. The NYCOER is working directly with the developer and developer s consultant (Impact Environmental), and in coordination with the NYSDEC Division of Environmental Remediation, towards finalization of the Remedial Action Work Plan. Groundwater is 11-13.4 feet bgs, flowing from North to South. Soil samples showed no contamination at levels of concern or substantially above applicable soil cleanup objectives. LNAPL is not detected in any of the monitoring wells on-site. Petroleum odorous water was detected in most of the groundwater monitoring wells on-site. An oily sheen and yellow discolored water was detected in one monitoring well installed in proximity to the former location of a waste oil storage tank on-site. Concentrations of petroleum VOCs in groundwater increased in 2018 sampling, and chlorinated VOCs showed up in 2018 results whereas not detected in 2014. BTEX and PCE were detected in 2014 in soil vapor probes. No soil vapor sampling was conducted in 2018. Proposed remediation includes the following components: excavation to 12 feet depth for the entire property and to 16 feet depth within the area of the future elevator pit; removal of approximately 6,400 tons of contaminated soil; pumping and offsite disposal of groundwater from the excavation; application of chemical oxidation agent at the bottom of excavation; collection of post excavation end point- and side-wall verification soil samples; installation of perimeter groundwater monitoring wells; collection and analysis of post-remediation groundwater samples; dewatering of the excavation pit; design and implementation of the engineering controls (waterproofing, vapor

barrier, and sub-grade ventilated parking garage), and institutional controls (deed restriction). NYCOER and NYSDEC are coordinating review and approval of the proposed remedy, which will be followed by the submission of a final Remedial Action Work Plan by the developer. The NYSDEC and NYCOER met on May 16, 2018 and discussed several aspects of the upcoming Remedial Action Work Plan. VB May 24, 2018 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) The site is a former gas station with predominantly petroleum impacts in groundwater and soil vapor. Project developer proposed site development in conjunction with remediation. Soil samples showed no contamination at levels of concern or substantially above applicable soil cleanup objectives. Free product (LNAPL) is not detected in any of the groundwater monitoring wells on-site. Petroleum VOCs in groundwater were detected at elevated concentrations which need to be addressed. BTEX and PCE were detected in 2014 in soil vapor probes. Proposed remediation includes the following components: excavation to 12 feet depth for the entire property and to 16 feet depth within the area of the future elevator pit; removal of approximately 6,400 tons of contaminated soil; pumping and offsite disposal of contaminated groundwater from the excavation or on-site treatment of extracted groundwater under permit from NYCDEP to meet sewer system discharge requirements; dewatering of the excavation pit in compliance with city, state, and federal laws and regulations; application of chemical oxidation agent at the bottom of excavation; collection of post excavation end point- and side-wall verification soil samples; installation of perimeter groundwater monitoring wells; collection and analysis of post-remediation groundwater samples; design and implementation of the engineering controls (waterproofing, vapor barrier, and high volume air exchange ventilation of the entire cellar level, including sub-grade parking garage and accessory

areas). NYSDEC coordinated review and approval of the proposed remedy with NYSDOH and NYCOER. Following NYSDEC s and NYSDOH s comments on the original RAWP, developer addressed comments and submitted revised RAWP on May 23, 2018. The Department completed review and approved revised RAWP on May 24, 2018. VB June 6, 2018 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) On June 6, 2018, OER submitted the final RAWP dated May 30, 2018 which addressed all NYSDOH comments and incorporated appropriate revisions. The department completed review of the revisions and the final RAWP and issued RAWP approval letter on June 6, 2018 to OER, copied to NYSDOH. VB July 9, 2018 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) On July 9, 2018, the Department was informed that the NYCOER has filed the Notice to Proceed (NTP) for 2633 Ocean Avenue with the NYC Department of Buildings and Brooklyn Borough Commissioner with copies sent to developer (Rybak Development), environmental engineering consultant for developer (Impact Environmental), and NYSDEC. NTP states that the applicant/developer has filed the remedial action work plan that is acceptable to NYCOER and has prepared Health and Safety Plan for implementation of this project. At the conclusion of remedial activities NYCOER will issue a Notice of Satisfaction signifying that all remedial action requirements established for the project have been satisfied prior to the issuance of Certificate of Occupancy. VB May 3, 2019 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) The site is

a former gas station with predominantly petroleum impacts in groundwater and soil vapor. Project developer proposed site development in conjunction with remediation. Soil samples showed no contamination at levels of concern or substantially above applicable soil cleanup objectives. Free product (LNAPL) is not detected in any of the groundwater monitoring wells on-site. Petroleum VOCs in groundwater were detected at elevated concentrations which need to be addressed. BTEX and PCE were detected in 2014 in soil vapor probes. Proposed remediation includes the following components: excavation to 12 feet depth for the entire property and to 16 feet depth within the area of the future elevator pit; removal of approximately 6,400 tons of contaminated soil; pumping and offsite disposal of contaminated groundwater from the excavation or on-site treatment of extracted groundwater under permit from NYCDEP to meet sewer system discharge requirements; dewatering of the excavation pit in compliance with city, state, and federal laws and regulations; application of chemical oxidation agent at the bottom of excavation; collection of post excavation end point- and side-wall verification soil samples; installation of perimeter groundwater monitoring wells; collection and analysis of post-remediation groundwater samples; design and implementation of the engineering controls (waterproofing, vapor barrier, and high volume air exchange ventilation of the entire cellar level, including sub-grade parking garage and accessory areas). NYSDEC coordinated review and approval of the proposed remedy with NYSDOH and NYCOER. Following NYSDEC s and NYSDOH s comments on the original RAWP, developer addressed comments and submitted revised RAWP on May 23, 2018. The Department completed review and approved revised RAWP on May 24, 2018. On July 9, 2018, the Department was informed that the NYCOER has filed the Notice to Proceed (NTP) for 2633 Ocean Avenue with the NYC Department of Buildings and Brooklyn Borough Commissioner with copies sent to developer (Rybak Development), environmental engineering consultant for developer (Impact Environmental), and NYSDEC. NTP stated that the

applicant/developer has filed the remedial action work plan that is acceptable to NYCOER and has prepared Health and Safety Plan for implementation of this project. At the conclusion of remedial activities NYCOER will issue a Notice of Satisfaction signifying that all remedial action requirements established for the project have been satisfied prior to the issuance of Certificate of Occupancy. Remediation at the Site is on-going. Chemical oxidation injections were performed prior to excavation in January 2019. Consultant, Impact Environmental, collected end-point verification samples at groundwater depth (around 12 below grade). On May 1, 2019, Impact Environmental informed NYCOER and NYSDEC that most of the endpoint verification samples met soil cleanup objectives. However, two end-point verifications samples have shown elevated VOCs. Excavation has reached water table, meaning the samples are saturated, and Impact Environmental informed NYCOER and NYSDEC that they are near the practical extent of excavation. On May 3, Impact Environmental, NYCOER and NYSDEC held a conference call and discussed the further course of remediation at this project. Based on discussion during the May 3, 2019 conference call, site developer and Impact Environmental will proceed with additional 25 feet x 25 feet and 2 ft deep soil excavation to accomplish soil cleanup objectives. Additional soil excavation will be followed by the application of Oxygen Releasing Compounds. Aforementioned additional remedial activities are scheduled for implementation during the week of May 6, 2019. VB July

11, 2019 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) The site is a former gas station with predominantly petroleum impacts in groundwater and soil vapor. Project developer proposed site development in conjunction with remediation. Soil samples showed no contamination at levels of concern or substantially above applicable soil cleanup objectives. Free product (LNAPL) is not detected in any of the groundwater monitoring wells on-site. Petroleum VOCs in groundwater were detected at elevated concentrations which need to be addressed. BTEX and PCE were detected in 2014 in soil vapor probes. Proposed remediation includes the following components: excavation to 12 feet depth for the entire property and to 16 feet depth within the area of the future elevator pit; removal of approximately 6,400 tons of contaminated soil; pumping and offsite disposal of contaminated groundwater from the excavation or on-site treatment of extracted groundwater under permit from NYCDEP to meet sewer system discharge requirements; dewatering of the excavation pit in compliance with city, state, and federal laws and regulations; application of chemical oxidation agent at the bottom of excavation; collection of post excavation end point- and side-wall verification soil samples; installation of perimeter groundwater monitoring wells; collection and analysis of post-remediation groundwater samples; design and implementation of the engineering controls (waterproofing, vapor barrier, and high volume air exchange ventilation of the entire cellar level, including sub-grade parking garage and accessory areas). NYSDEC coordinated review and approval of the proposed remedy with NYSDOH and NYCOER. Following NYSDEC s and NYSDOH s comments on the original RAWP, developer addressed comments and submitted revised RAWP on May 23, 2018. The Department completed review and approved revised RAWP on May 24, 2018. On July 9, 2018, the Department was informed that the NYCOER has filed the Notice to Proceed (NTP) for 2633 Ocean Avenue with the NYC Department of Buildings and Brooklyn Borough Commissioner with copies sent to developer (Rybak Development), environmental engineering consultant for developer (Impact Environmental), and NYSDEC. NTP stated that the

applicant/developer has filed the remedial action work plan that is acceptable to NYCOER and has prepared Health and Safety Plan for implementation of this project. At the conclusion of remedial activities NYCOER will issue a Notice of Satisfaction signifying that all remedial action requirements established for the project have been satisfied prior to the issuance of Certificate of Occupancy. Remediation at the Site is on-going. Chemical oxidation injections were performed prior to excavation in January 2019. Consultant, Impact Environmental, collected end-point verification samples at groundwater depth (around 12 below grade). On May 1, 2019, Impact Environmental informed NYCOER and NYSDEC that most of the endpoint verification samples met soil cleanup objectives. However, two end-point verifications samples have shown elevated VOCs. Excavation has reached water table, meaning the samples are saturated, and Impact Environmental informed NYCOER and NYSDEC that they are near the practical extent of excavation. On May 3, Impact Environmental, NYCOER and NYSDEC held a conference call and discussed the further course of remediation at this project. Based on discussion during the May 3, 2019 conference call, site developer and Impact Environmental will proceed with additional 25 feet x 25 feet and 2 ft deep soil excavation to accomplish soil cleanup objectives. Additional remedial activities commenced on May 6, 2019 and were completed on May 9,

2019. Final extent of additional excavation was 20 ft. x 25 feet and 2 ft deep. 520 lbs of ORC Advanced (Oxygen Releasing Compound) dry powder was applied to excavation, forming a slurry with the groundwater, before being mixed with residual soils using an excavator. Contractor used Biosolve onsite for odors control. On July 11, 2019, Impact Environmental informed NYCOER and NYSDEC that in the next two weeks they plan to install the four permanent 4 inch groundwater monitoring wells as per RAWP. VB July 22, 2019 - V. Brevdo Former Gas Station Proposed 8-Story Mixed Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) Remediation at the Site is on-going. Chemical oxidation injections were performed prior to excavation in January 2019. Consultant, Impact Environmental, collected end-point verification samples at groundwater depth (around 12 below grade). On May 1, 2019, Impact Environmental informed NYCOER and NYSDEC that most of the endpoint verification samples met soil cleanup objectives. However, two end-point verifications samples have shown elevated VOCs. Excavation has reached water table, meaning the samples were saturated, and Impact Environmental informed NYCOER and NYSDEC that they were near the practical extent of excavation. On May 3, Impact Environmental, NYCOER and NYSDEC held a conference call and discussed the further course of remediation at this project. Based on discussion during the May 3, 2019 conference call, site developer and Impact Environmental proceeded with additional 25 feet x 25 feet and 2 ft deep soil excavation to accomplish soil cleanup objectives. Additional remedial activities commenced on May 6, 2019 and were completed on May 9, 2019. Final extent of additional excavation was 20 ft. x 25 feet and 2 ft deep. ORC Advanced (Oxygen Releasing Compound) dry powder was applied to excavation, forming a slurry with the groundwater, before being mixed with residual soils using an excavator. On July 22, 2019, Impact Environmental informed NYCOER and NYSDEC that the four permanent 4-inch groundwater monitoring wells have been installed at the site as per RAWP. The purpose of wells installation is to conduct post-remedial groundwater monitoring prior to accomplishing closure of the spill case. Impact Environmental intends to commence post-remedial groundwater monitoring activities in the upcoming weeks. The development has progressed to the 1st floor. VB August 29, 2019 Former Gas Station Proposed 8-Story Mixed

Use Building, 2633 Ocean Avenue Brooklyn (Spill No. 9912611) The site is a former gas station with predominantly petroleum impacts in groundwater and soil vapor. Project developer proposed site development in conjunction with remediation. Soil samples showed no contamination at levels of concern or substantially above applicable soil cleanup objectives. Free product (LNAPL) was not detected in any of the groundwater monitoring wells on-site. Petroleum VOCs in groundwater were detected at elevated concentrations which needed to be addressed. BTEX and PCE were detected in 2014 in soil vapor probes. Proposed remediation included the following components: excavation to 12 feet depth for the entire property and to 16 feet depth within the area of the future elevator pit; removal of contaminated soil; pumping and offsite disposal of contaminated groundwater from the excavation or on-site treatment of extracted groundwater under permit from NYCDEP to meet sewer system discharge requirements; dewatering of the excavation pit in compliance with city, state, and federal laws and regulations; application of chemical oxidation agent at the bottom of excavation; collection of post excavation end point- and side-wall verification soil samples; installation of perimeter groundwater monitoring wells; collection

and analysis of post-remediation groundwater samples; design and implementation of the engineering controls (waterproofing, vapor barrier, and high volume air exchange ventilation of the entire cellar level, including sub-grade parking garage and accessory areas). NYSDEC coordinated review and approval of the proposed remedy with NYSDOH and NYCOER. Following NYSDEC s and NYSDOH s comments on the original RAWP, developer addressed comments and submitted revised RAWP on May 23, 2018. The Department completed review and approved revised RAWP on May 24, 2018. Remedial Actions were completed between March 2019 and August 2019, and included the following: Excavation and removal of contaminated soil/fill down to 11-16 feet depth, with a total of 5,334 tons removed to licensed disposal facilities; Performance of Community Air Monitoring Program for particulates and VOCs during invasive activities; Collection and Analysis of End Point Confirmatory Soil Samples; Construction of an Engineered Composite Cover; Installation of a Vapor Barrier System beneath the building slab and outside of sub-grade foundation sidewalls to mitigate potential soil vapor migration into the building; Extraction of 16, 517 gallons of non-hazardous petroleum impacted groundwater from recovery wells prior to ORC injection; Injection of calculated/designed amount of ORC Advanced powder across 20 points, at 12 to 18 feet interval; Additional Excavation around two end point sample locations to remove grossly impacted soil to the extent practicable, resulting in a 2 feet deep, 20 by 25 feet additional excavation area; Installation of four (4) perimeter groundwater monitoring wells and collection and analysis of post-remediation quarterly groundwater samples to determine the effectiveness of remediation actions in respect to contaminated groundwater. As part of the new development, a sub-grade parking garage will high volume air exchange will be constructed. The following actions will be implemented from August 2019 in the coming months: Continued quarterly groundwater sampling and submission of sampling/monitoring reports to NYSDEC; Completion of an indoor and outdoor air quality survey prior to building occupancy to confirm the effectiveness of the soil vapor intrusion mitigation engineering controls; Submission of a Remedial Action Report (RAR) to NYCOER and NYSDEC that will describe the remedial activities and all engineering controls to be implemented at the Site; Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual

contamination, including plans for O&M, inspection and certification of engineering controls and reporting. On August 29, 2019, Impact Environmental submitted first post-remedial groundwater monitoring report representing July 25, 2019 groundwater sampling event from newly installed monitoring wells. In comparison to the groundwater sampling events performed in March and December of 2018 from wells now removed, total BTEX has decreased on average. The submission of the next quarterly post remediation groundwater monitoring report is scheduled for the end of November 2019. VB "

Remarks: "HOLES IN TANK DISCOVERED FROM TESTING"

All Materials:

Site ID:	145638
Operable Unit ID:	1091310
Operable Unit:	01
Material ID:	294494
Material Code:	0009
Material Name:	gasoline
Case No.:	Not reported
Material FA:	Petroleum
Quantity:	.00
Units:	G
Recovered:	.00
Oxygenate:	Not reported