June 4, 2013

New York City Office of Environmental Remediation
City Brownfield Cleanup Program
c/o Shaminder Chawla
100 Gold Street, 2nd Floor
New York, NY 10038

Re: 13CVCP138Q
47-27 5th Street
Remedial Action Work Plan (RAWP) Stipulation List

Dear Mr. Chawla:

Athenica Environmental Services, Inc. hereby submits a Remedial Action Work Plan (RAWP) Stipulation List for the subject site to the New York City Office of Environmental Remediation (NYCOER) on behalf of 47-27 5th Street, LLC. This letter serves as an addendum to the RAWP to stipulate additional content, requirements and procedures that will be followed during the site remediation. The contents of this list are added to the RAWP and will supersede the content in said document where there is a conflict in purpose or intent. The additional requirements/procedures include the following:

Stipulation List

1. The criterion attached in Addendum 1 will be utilized if petroleum containing tank or vessel is identified during the remedial action or subsequent redevelopment excavation activities. All petroleum spills will be reported to the NYSDEC hotline as required by applicable laws and regulations. This contingency plan is designed for heating oil tanks and other small or moderately sized storage vessels. If larger tanks, such as gasoline storage tanks are identified, OER will be notified before this criterion is utilized.

2. In the event that hazardous waste is identified during the remedial action or subsequent redevelopment excavation activities at this NYC VCP project, and removal and transportation of hazardous waste becomes necessary, the project may be subject to the New York State Department of Environmental Conservation's Special Assessment Tax (ECL 27-0923) and Hazardous Waste Regulatory Fees (ECL 72-00402). See DEC's website for more information: http://www.dec.ny.gov/chemical/9099.html.

3. Collection and analysis of end-point samples will be conducted to evaluate the performance of the remedy with respect to attainment of Track 1

SCOs. To evaluate attainment of Track 1 SCOs throughout the site, 4 base samples will be collected. Each sample will be analyzed for SVOCs and TAL Metals. A revised Figure 6 indicating post-remedial End-Point Sampling Locations is attached as Addendum 2.

4. A site-specific compatibility letter for the proposed vapor barrier products is attached in Addendum 3.

5. A pre-approval letter from all disposal facilities will be provided to OER prior to any soil/fill material removal from the site. Documentation specified in the RAWP - Appendix 7 - Section 1.6 “Materials Disposal Off-Site” will be provided to OER. If a different disposal facility for the soil/fill material is selected, OER will be notified immediately.

6. Approval for the import of material for backfilling purposes must be received from OER prior to the commencement of such activities. Documentation illustrating that the requisitioned import material has been properly segregated, stockpiled, and tested (when needed) prior to its release from the generating site, and by extension prior to its arrival to the import site, will be required. Blended recycled concrete aggregate (bRCA) is not an acceptable material for import.

7. A CD containing the final RAWP including this approved Stipulation List will be placed in the library that constitutes the primary public repository for project documents.

8. Signage for the project will include a sturdy placard mounted in a publically accessible right of way to building and other permits signage will consist of the NYC VCP Information Sheet (attached Addendum 4) announcing the remedial action. The Information sheet will be laminated and permanently affixed to the placard.

9. OER requires parties seeking City Brownfield Incentive Grants (BIG) grants to carry insurance. For a cleanup grant, both the excavator and the trucking firm(s) that handle removal of soil must carry or be covered under a commercial general liability (CGL) policy and a contractor’s pollution liability (CPL) policy, both of which must provide $1 million per claim in coverage. Both policies must name the City of New York, the NYC Economic Development Corporation, and Brownfield Redevelopment Solutions as additional insured. A fact sheet regarding insurance is attached as Addendum 5.

10. Daily report will be provided during active excavation work. If no work is performed for extended time period, daily report frequency will be reduced to weekly basis. Daily report template is attached in Addendum 6.

Sincerely,

Shana Holbertron
Athenica Environmental Services, Inc.

cc: HZhang@dep.nyc.gov, S. Chawla – ShaminderC@dep.nyc.gov

Addendum 1
Generic Procedures for Management of Underground Storage Tanks Identified under the NYC VCP

Prior to Tank removal, the following procedures should be followed:

- Remove all fluid to its lowest draw-off point.
- Drain and flush piping into the tank.
- Vacuum out the “tank bottom” consisting of water product and sludge.
- Dig down to the top of the tank and expose the upper half.
- Remove the fill tube and disconnect the fill, gauge, product, vent lines and pumps. Cap and plug open ends of lines.
- Temporarily plug all tank openings, complete the excavation, remove the tank and place it in a secure location.
- Render the tank safe and check the tank atmosphere to ensure that petroleum vapors have been satisfactorily purged from the tank.
- Clean tank or remove to storage yard for cleaning.
- If the tank is to be moved, it must be transported by licensed waste transporter. Plug and cap all holes prior to transport leaving a 1/8 inch vent hole located at the top of the tank during transport.
- After cleaning, the tank must be made acceptable for disposal at a scrap yard, cleaning the tanks interior with a high pressure rinse and cutting the tank in several pieces.

During the tank and pipe line removal, the following field observations should be made and recorded:

- A description and photographic documentation of the tank and pipe line condition (pitting, holes, staining, leak points, evidence of repairs, etc.).
- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with a calibrated photoionization detector (PID).

<u>Impacted Soil Excavation Methods</u>

The excavation of the impacted soil will be performed following the removal of the existing tanks. Soil excavation will be performed in accordance with the procedures described under Section 5.5 of Draft DER-10 as follows:

- A description and photographic documentation of the excavation.
- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with calibrated photoionization detector (PID).

Final excavation depth, length, and width will be determined in the field, and will depend on the horizontal and vertical extent of contaminated soils as indentified through physical examination (PID response, odor, staining, etc.). Collection of

verification samples will be performed to evaluate the success of the removal action as specified in this document.

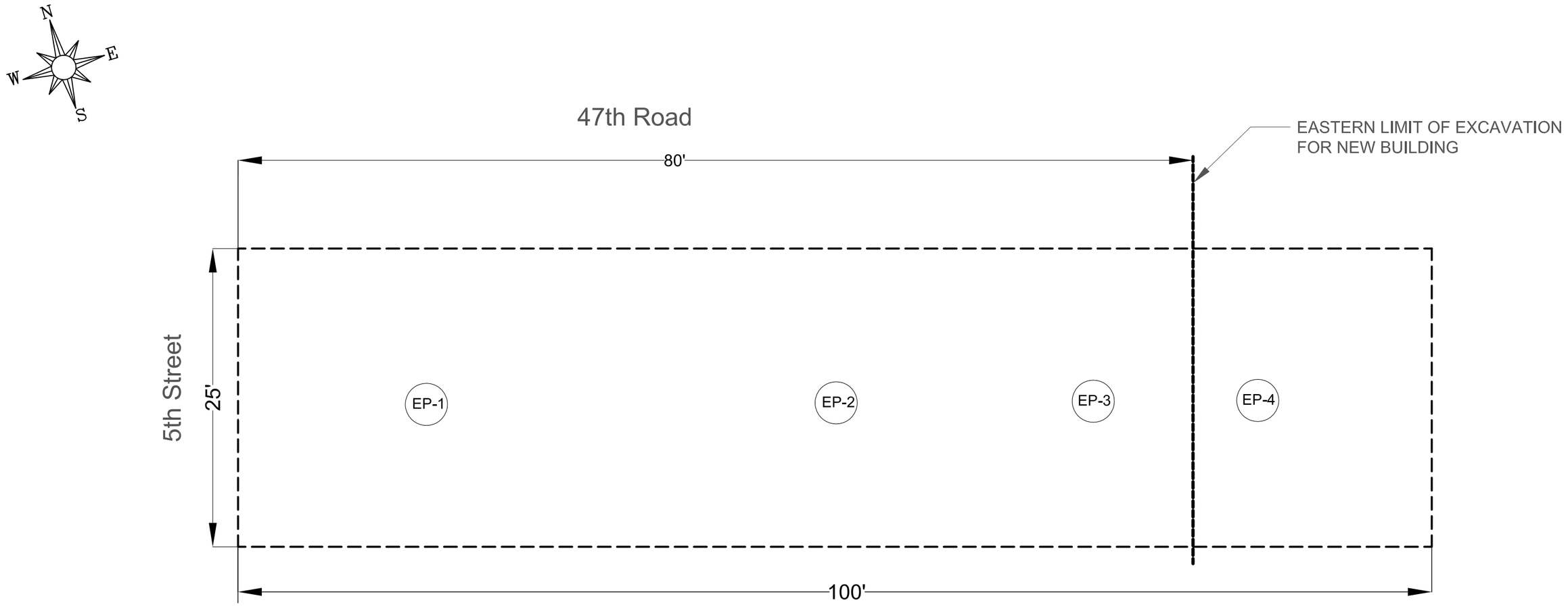
The following procedure will be used for the excavation of impacted soil (as necessary and appropriate):

- Wear appropriate health and safety equipment as outlined in the Health and Safety Plan.
- Prior to excavation, ensure that the area is clear of utility lines or other obstructions. Lay plastic sheeting on the ground next to the area to be excavated.
- Using a rubber-tired backhoe or track mounted excavator, remove overburden soils and stockpile, or dispose of, separate from the impacted soil.
- If additional UST's are discovered, the NYSDEC will be notified and the best course of action to remove the structure should be determined in the field. This may involve the continued trenching around the perimeter to minimize its disturbance.
- If physically contaminated soil is present (e.g., staining, odors, sheen, PID response, etc.) an attempt will be made to remove it, to the extent not limited by the site boundaries or the bedrock surface. If possible, physically impacted soil will be removed using the backhoe or excavator, segregated from clean soils and overburden, and staged on separated dedicated plastic sheeting or live loaded into trucks from the disposal facility. Removal of the impacted soils will continue until visibly clean material is encountered and monitoring instruments indicate that no contaminants are present.
- Excavated soils which are temporarily stockpiled on-site will be covered with tarp material while disposal options are determined. Tarp will be checked on a daily basis and replaced, repaired or adjusted as needed to provide full coverage. The sheeting will be shaped and secured in such a manner as to drain runoff and direct it toward the interior of the property.

Once the site representative and regulatory personnel are satisfied with the removal effort, verification of confirmatory samples will be collected from the excavation in accordance with DER-10.

Addendum 2

Revised End-Point Sampling Locations Plan (See attached)



Legend:

SITE BOUNDARY

EP-X — PROPOSED ENDPOINT SAMPLING LOCATION AND DESIGNATION NUMBER

Scale:

0' 10' 20'

ATHENICA ENVIRONMENTAL SERVICES, INC,
Environmental Consultants

Date:	MAY 17, 2013
Drawn by:	SHANA HOLBERTON
Checked by:	WILLIAM SILVERI
Drawing Scale:	AS NOTED
Project No.:	13-0315

Site map: REMEDIALACTION WORK PLAN
47-27 5TH STREET
QUEENS, NEW YORK

Figure: 6
Title: PROPOSED ENDPOINT SAMPLING LOCATIONS

Addendum 3

Example Template Vapor Barrier Compatibility Letter (See attached)

Mark A. Franciosi
Technical Services Engineer - Americas

T 617-498-4303
M 978-407-4006
mark.a.franciosi@grace.com

W. R. Grace & Co.-Conn.
62 Whittemore Avenue
Cambridge, MA 02140

June 3rd, 2013

Shana Holberton
Athenica Environmental Services, Inc.
45-09 Greenpoint Avenue
Long Island City, NY 11104

RE: 47-27 5th Street, Queens, New York - Block 30, Lot 29, OER# 13-EHAZ407Q

Dear, Shana,

I have reviewed the following documents for the above referenced project:

- Tables 3-6 and 11-14 Summary of Soil Sampling Results prepared by Athenica Environmental Services, Inc.
- Tables 7-10 and 16-19 Summary of Groundwater Sampling Results prepared Athenica Environmental Services, Inc.
- Table 20 - Summary of Soil Vapor Sampling Results prepared by Athenica Environmental Services, Inc.

The identified contaminants at the levels reported will not have an adverse effect on the waterproofing or vapor barrier properties of Preprufe® 300R and Preprufe® 160R systems along with all system accessories, provided standard design and application procedures are followed.

Standard installation instructions and details can be found on our website at www.graceconstruction.com.

Mark Franciosi

Technical Services Engineer

cc: J. Ridgeway – Grace

Addendum 4
Signage

NYC Brownfield Cleanup Program

This property is enrolled in the New York City Brownfield Cleanup Program for environmental remediation. This is a voluntary program administered by the NYC Office of Environmental Remediation.

For more information, log on to:
www.nyc.gov/oer

If you have questions or would like more information, please contact:

Horace Zhang at (212) 788-8484
or email us at brownfields@cityhall.nyc.gov

47-27 5th Street
Site #: 13CVCP138Q

Addendum 5

NYCBIG QV Insurance Factsheet (See attached)

FACT SHEET – BIG PROGRAM INSURANCE REQUIREMENTS

Investigation Grants – for a developer or site owner to be eligible for a BIG investigation grant, its environmental consultant(s) must be:

- a Qualified Vendor in the BIG Program; and
- maintain Professional Liability (PL) insurance of $1M per claim and annual aggregate.

Cleanup Grants – for a developer or site owner to be eligible for a BIG cleanup grant:

- Its general contractor or excavation/foundation contractor hired to perform remedial work must maintain:

    a. Commercial General Liability(CGL) insurance of at least $1M per occurrence and $2M in the general aggregate; and

    b. Contractors Pollution Liability (CPL) insurance of at least $1M per occurrence.

    Both policies must list the city, EDC and BRS as additional insureds, include completed operations coverage and be primary and non-contributory to any other insurance the additional insureds may have.

- Its subcontractors who are hired by the general contractor etc. to perform remedial work at a site, including soil brokers and truckers, must also maintain CGL and CPL policies in the amount and with the terms set forth above; and

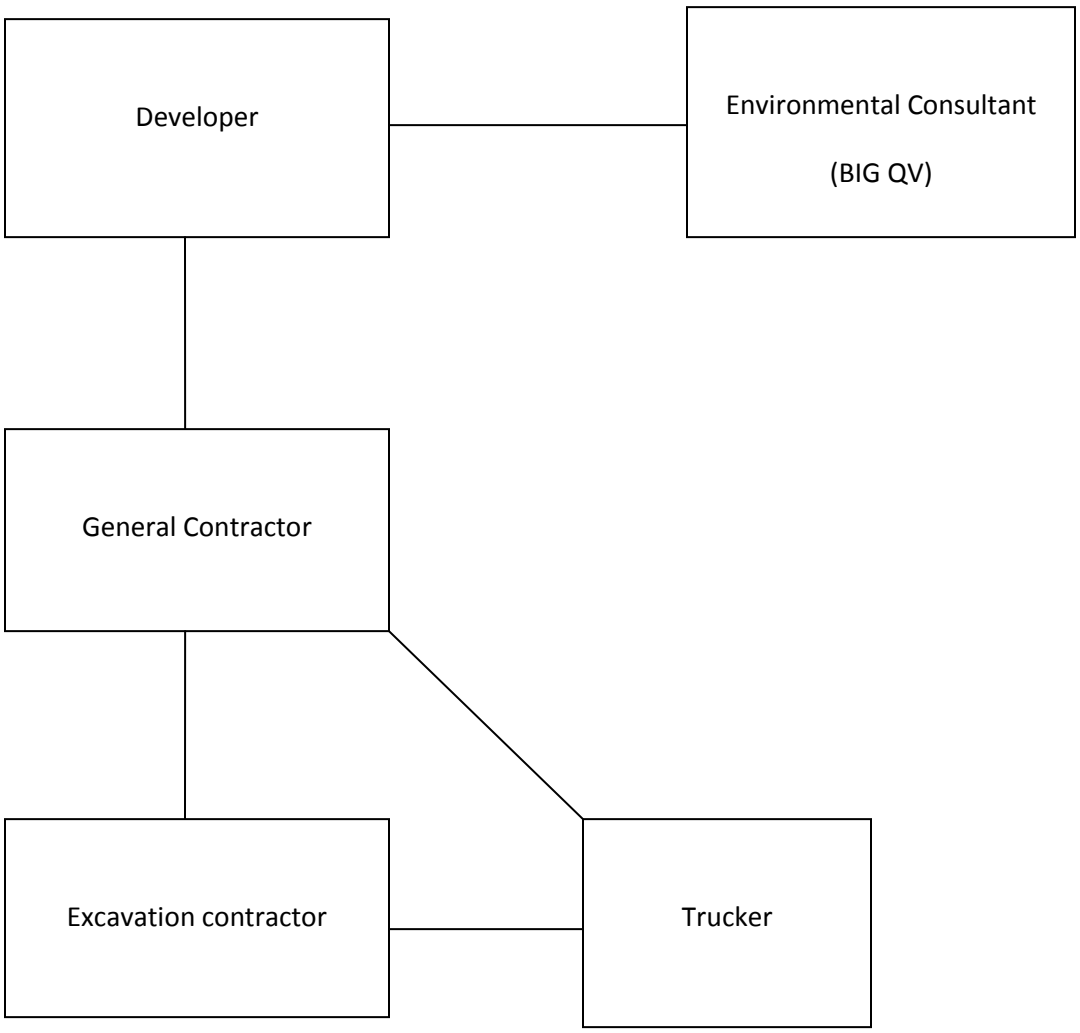
- Its environmental consultant(s) hired to oversee the cleanup must be:
    a. a BIG Qualifed Vendor; and
    b. maintain Professional Liability (PL) insurance of $1M per claim and annual aggregate.

If, in the alternative, the developer hires its environmental consultant to perform the cleanup, the environmental consultant must maintain CGL and CPL insurance in the amount and with the terms set forth above.

A schematic presenting the contractual relationships described above appears on page 2. Parties who must be named as Additional Insureds on Cleanup Grant insurance policies (CGL and CPL) are presented on page 3.

Example of Contractual Relationships for Cleanup Work

The Office of Environmental Remediation's Voluntary Cleanup Plan program requires applicants to identify the parties who are engaged in active remediation of their sites including: the General Contractor hired to remediate and/or the excavation contractor hired to excavate soil from the site and the trucking firm(s) that remove soil from the site for disposal at approved facilit(ies).



The chart above shows contractual relationships that typically exist for projects that are enrolled in the Voluntary Cleanup Program.

BIG Program Additional Insureds

The full names and addresses of the additional insureds required under the Required CGL and Required CPL Policies are as follows:

"City and its officials and employees"
New York City Mayor's Office of Environmental Remediation
253 Broadway, 14th Floor
New York, NY 10007

"NYC EDC and its officials and employees"
New York City Economic Development Corporation
110 William Street
New York, NY 10038

"BIG Grant Administrator and its officials and employees"
Brownfield Redevelopment Solutions, Inc.
739 Stokes Road, Units A & B
Medford, NJ 08055

Addendum 6

Daily Report (See attached)

Generic Template for Daily Status Report

Instructions

The Daily Status Report submitted to OER should adhere to the following conventions:

- Remove this cover sheet prior to editing.
- Remove all the red text and replace with site-specific information.
- Submit the final version as a Word or PDF file.

Daily Status Reports

Daily status reports providing a general summary of activities for each day of *active remedial work* will be emailed to the OER Project Manager by the end of the following day. Those reports will include:

- Project number and statement of the activities and an update of progress made and locations of work performed;
- Quantities of material imported and exported from the Site;
- Status of on-Site soil/fill stockpiles;
- A summary of all citizen complaints, with relevant details (basis of complaint; actions taken; etc.);
- A summary of CAMP excursions, if any;
- Photograph of notable Site conditions and activities.

The frequency of the reporting period may be revised in consultation with OER project manager based on planned project tasks. Daily email reports are not intended to be the primary mode of communication for notification to OER of emergencies (accidents, spills), requests for changes to the RAWP or other sensitive or time critical information. However, such information will be included in the daily reports. Emergency conditions and changes to the RAWP will be communicated directly to the OER project manager by personal communication. Daily reports will be included as an Appendix in the Remedial Action Report.

 File Name: _____

DAILY STATUS REPORT

Prepared By: Enter Your Name Here

WEATHER	Snow		Rain		Overcast		Partly Cloudy	X	Bright Sun	
TEMP.	< 32		32-50		50-70	X	70-85		>85	

VCP Project No.:	13CVCP000M	E-Number:	13EHAN000M	Date:	01/01/2013
Project Name:	Name or Address				

Consultant: Person(s) Name and Company Name	Safety Officer: Person(s) Name and Company Name
General Contractor: Person(s) Name and Company Name	Site Manager/ Supervisor: Person(s) Name and Company Name
Work Activities Performed (Since Last Report): Provide details about the work activities performed.	
Working In Grid #: A1, B1, C1	

Samples Collected (Since Last Report): No samples collected or provide details
Air Monitoring (Since Last Report): No air monitoring performed or provide details
Problems Encountered: No problems encountered or provide details
Planned Activities for the Next Day/ Week: Provide details about the work activities planned for the next day/ week.

 File Name: _____

									Example:	
Facility # Name/ Location Type of Waste Solid Or Liquid	Facility # Name Location Type of Waste Solid *Or* Liquid		Facility # Name Location Type of Waste Solid *Or* Liquid		Facility # Name Location Type of Waste Solid *Or* Liquid		Facility # Name Location Type of Waste Solid *Or* Liquid		# # # # # # # Clean Earth Carteret, NJ petroleum soils Solid	
(Trucks, Cu.Yds. Or Gallons)	Trucks	Cu. Yds. *Or* Gallons	Trucks	Cu. Yds. *Or* Gallons	Trucks	Cu. Yds. *Or* Gallons	Trucks	Cu. Yds. *Or* Gallons	Trucks	Cu. Yds.
Today									5	120
Total									25	600

NYC Clean Soil Bank		Receiving Facility: Name/ Address (Approved by OER)				
Tracking No.:	13CCSB000					
Today		Trucks 5	Cu. Yds. 25	Total	Trucks 120	Cu. Yds. 600

Site Grid Map

Insert the site grid map here

 File Name: _____

Photo Log

Photo 1 – provide a caption	Insert Photo Here – Photo of the entire site
Photo 2 – provide a caption	Insert Photo Here – Photo of the work activities performed
Photo 3 – provide a caption	Insert Photo Here – Photo of the work activities performed

 File Name: _____