
PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

**111 Leroy Street
New York, New York**

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EXECUTIVE SUMMARY

At the request of Davidoff Malito & Hutcher, LLP, Langan Engineering and Environmental Services, PC (Langan) performed this Phase I Environmental Site Assessment (ESA) on the property located at 111 Leroy Street in New York, New York (Subject Property). See Figure 1 for a Location Map of the Subject Property. The Subject Property is situated in an urban area characterized by commercial and residential development and consists of a 2-story commercial building over a 4,000 square foot (SF) parcel (Block 602, Lot 83).

This Phase I ESA was conducted to identify Recognized Environmental Conditions (RECs) in connection with the Subject Property. The ESA included a site inspection of the Subject Property and a review of environmental agencies databases, City, State and Federal agencies inquiries, historical aerial and topographic photographs, Sanborn maps, and city directories.

Six RECs were identified in this Phase I ESA. REC-1 and REC-2 were identified on the Subject Property. REC-3 through REC-6 were identified on the surrounding properties in close proximity to be a concern.

REC-1: 5000-gallon #2 Fuel Oil Underground Storage Tank (Spill No 0300861)

An active New York State Department of Environmental Conservation (NYSDEC) spill is identified for the Subject Property. The spill occurred on 24 April 2003 with an undetermined quantity of a #2 Fuel Oil. The spill was reported to be caused by an underground storage tank (UST) test failure. Additionally, during our site reconnaissance, a UST vent pipe was identified on the sidewalk in front of the building (Appendix A - Picture 10). A New York City Fire Department Freedom of Information Act search confirmed that a 5,000-gallon UST is registered at 111 Leroy Street.

REC-2: Repair Service for Lift Machines, Automobile Service and Parts, and Repair Shop

Based on our review of the Subject Property's historical usage from the Sanborn maps and the Department of Building, the site was listed as a repair service for lift machines in 1947, an automobile service and parts facility in 1950 and an auto repair shop in 1996. This type of

usage constitutes a REC due to the possibility of subsurface contamination related to historical property operations.

REC-3: Underground Storage Tanks at 422-435 Hudson Street

Based on our review of the historical records, one 10,000-gallon and one 15,000-gallon USTs were identified on the adjacent property to the east at 422-435 Hudson Street. Furthermore, three spills were reported for this property but they were all closed by NYSDEC at later dates. The property at 422-435 Hudson Street is located upgradient of the Subject Property with respect of the assumed groundwater flow (west towards the Hudson River). As such, possible tank failures and spills may have occurred and may have migrated and impacted the soil and groundwater at the Subject Property.

REC-4: #2 Fuel Oil Spill (No 0001092)

An equipment failure on 78 Morton Street resulted in the release of an undetermined quantity of #2 Fuel Oil on 07 April 2000. The NYSDEC spill report shows that the spill remains active. This REC has the potential to impact the Subject Property.

REC-5: Gasoline Spill (No 9805274)

A tank failure on 534 Hudson Street resulted in the release of an undetermined quantity of gasoline on 28 July 1998. The NYSDEC spill report shows that the spill remains active. This REC has the potential to impact the Subject Property.

REC-6: Hazardous Waste Large Quantity Generator

Based on our review of the regulatory database information, Enterprise Press, a hazardous waste large quantity generator was identified at 627 Greenwich Street, 259 feet north northwest of the Subject Property. The potentially up-gradient site has 12 reported violations and is known to generate hazardous wastes to include ignitable hazardous wastes, benzene and tetrachloroethylene.

Recommendations

- We recommend a non-intrusive geophysical investigation (ground penetrating radar, magnetometer, etc.) to determine the UST location at the Subject Property. If found, the UST should be removed and closed in accordance with NYSDEC Petroleum Bulk Storage regulations.
- We recommend a Phase II Environmental Site Investigation at the Subject Property to determine if the soil and groundwater have been impacted from the current and historical usage at the Subject Property and the surrounding ones.

1.0 INTRODUCTION

1.1 General

Langan was retained by Davidoff Malito & Hutcher, LLP to prepare a Phase I Environmental Site Assessment (ESA) for 111 Leroy Street in New York, NY, in compliance with ASTM Standard Practice E1527-00 and in accordance with the scope of work of the agreement dated March 10, 2005.

1.2 Purpose and Scope

The purpose of this report is to identify Recognized Environmental Conditions (RECs) in connection with the property, using the methodology recommended by The American Society for Testing Materials (ASTM). Specifically, this methodology is referred to as Standard Practice for Environmental Site Assessments; Phase I Environmental Site Assessment Process, Designation E1527-00. There are no exceptions to the ASTM Standard Practice E1527-00. A Recognized Environmental Condition is defined as follows:

"The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies."

In general, the scope of this assessment consisted of reviewing readily available information and environmental data relating to the property, interviewing readily available persons

knowledgeable about the Subject Property, reviewing readily available maps and records maintained by federal, state, and local regulatory agencies, and conducting a site visit. The specific scope of this assessment included the following:

- A site reconnaissance to characterize on-site conditions and assess the Subject Property's location with respect to surrounding property uses and natural surface features. In addition, the reconnaissance included the surrounding roads and readily accessible properties to identify obvious potential environmental conditions on neighboring properties. Photographs taken as part of the site reconnaissance are provided in Appendix A.

The site visit was conducted on 14 March 2005 by Mr. Craig Puerta representing Langan. It was partly cloudy, and the temperature was 35°F at the time of our Subject Property visit. The site reconnaissance was conducted in a systematic manner focusing initially on the exterior, which was surveyed in a grid pattern. Representative portions of the Subject Property's interior spaces were also surveyed in a systematic manner. Persons familiar with the history of the property were not available for interview.

- A review of readily available environmental databases maintained by the United States Environmental Protection Agency (USEPA), state, and local agencies within the approximate minimum search distance. The environmental database report is provided by Environmental Data Resources, Inc (EDR) and a copy of the report is included in Appendix B.
- A review and interpretation of Sanborn Maps, historical topographic maps, aerial photographs, city directories, and Department of Building to identify previous activities on and in the vicinity of the Subject Property. Copies are included in Appendices C, D, E, F and G respectively.
- Freedom of Information Act (FOIA) requests were sent to federal, state and local agencies. Copies of the FOIA requests are included in Appendix H.

1.3 Limiting Conditions

No apparent conditions which would limit Langan's ability to complete the scope of work were encountered during the performance of this Phase I ESA.

1.4 Limitations of the Assessment

This Phase I ESA was prepared in accordance with the scope of work agreement dated March 10, 2005. The work conducted by Langan is limited to the services agreed to with Davidoff Malito & Hutcher, LLP and no other services beyond those explicitly stated should be inferred or are implied.

The conclusions presented in this report are professional opinions based solely upon Langan's visual observations of the Subject Property and the immediate vicinity, and upon Langan's interpretations of the readily available historical information, as referenced in the report. These conclusions are intended exclusively for the purpose stated herein, at the Subject Property indicated, and for the project indicated.

This report is intended for the sole use of Davidoff Malito & Hutcher, LLP. The scope of services performed during this investigation may not be appropriate for other users, and any use or re-use of this document, or the findings, conclusions, or recommendations presented herein is at the sole risk of said user.

This study was not intended to be a definitive investigation of possible contamination at the Subject Property. The purpose and scope of this investigation was to determine if there is reason to suspect the possibility of contamination at the Subject Property. No exploratory borings, soil or groundwater sampling, or laboratory analyses were performed at the Subject Property and, therefore, the conclusions set forth herein are made without the benefit of such investigation.

This report is intended to be used in its entirety. No excerpts may be taken to be representative of the findings of this assessment.

Opinions and recommendations presented in this report apply to site conditions and features as they existed at the time of Langan's site visit, and those reasonably foreseeable. They cannot necessarily apply to conditions and features of which Langan is unaware and has not had the opportunity to evaluate.

It is important to recognize that even the most comprehensive scope of services may fail to detect environmental liabilities on a particular site. Therefore, Langan cannot act as insurers and cannot "certify" that a site is free of environmental contamination, and no expressed or implied representation or warranty is included or intended in our reports, except that our services were performed, within the limits prescribed by our client, with the customary thoroughness and competence of our profession.

2.0 SUBJECT PROPERTY DESCRIPTION

2.1 Property Location

The Subject Property is located at 111 Leroy Street in downtown Manhattan, New York. The Subject Property occupies the approximately 40 linear feet of frontage on Leroy Street between Greenwich Street and Hudson Street. The Subject Property is identified on the Tax Assessor's maps as Block 602, Lot 83.

2.2 Surrounding Land Use

The Subject Property is located in an urban setting that is characterized by residential, commercial office, and commercial retail developments. The following is a tabulation of surrounding property usage:

<u>DIRECTION</u>	<u>ADJACENT PROPERTIES</u>	<u>SURROUNDING PROPERTIES</u>
North	- Driveway Entrance to Parking Facility from Morton Street - 78 Morton Street (three-story office building)	Various Nine-Story Residential/ Commercial Buildings
South	Printing House-Fitness & Racquetball Club (nine-story residential condominium)	Various Nine-Story Commercial Office Buildings
East	435 Hudson (Nine-Story Commercial Office Building)	Mixed Residential/Commercial Four Story Brownstone Buildings
West	Ultra Car Park Systems	Mixed Residential/Commercial Buildings

Various nine-story commercial office buildings with ground floor retail storefronts mainly surround the Subject Property. Numerous four-story brownstone residential properties are located along Hudson Street to the east.

2.3 Physical Setting

2.3.1 Size and Shape of Parcel

The property is rectangular in shape and approximately 4,000 SF in size with about 40 linear feet of frontage along Leroy Street.

2.3.2 Topography

The site is essentially level, and the topography of the immediate area is characterized as flat; however, properties to the north and west are at a higher topographic elevation. According to the United States Geological Survey (USGS) 7.5 min quad index topographic map, the Subject Property's elevation is approximately 14 feet above sea level.

2.3.3 Surface Waters and Wetlands

The Subject Property is entirely covered by impervious surfaces. There are no surface water bodies or streams nor any areas suspected to be wetlands on the Subject Property. The closest open body of water to the Subject Property is the Hudson River, located 0.25 miles to the west.

2.3.4 Soils, Geology and Groundwater

Soils

The general soils of the area are referred to as urban land complex because the soil's original structure and content have been so altered by human activities as to lose their original characteristics and are thus unidentifiable.

Geology

There are no predominant geological surface features such as rock outcroppings on the Subject Property. The bedrock at the site is Precambrian in age, approximately one billion years old, and consists of gneiss and schists that are a part of the Manhattan Prong, a portion of the Appalachian Piedmont. The older of the Manhattan Prong sequence found in central Manhattan is the Manhattan Schist that is overlain by the Hartland Formation, a granulite. Both units are of very high metamorphic grade having been metamorphosed at a great depth in the earth's crust and later thrust to the surface during the Appalachian mountain building episode, about 350 million years ago.

During the last glacial period, ending about 12,000 to 15,000 years ago and termed the Wisconsin, a mantling of glacial drift was deposited over the older bedrock. In places the glacial deposits are unsorted until characterized by boulder to pebble-sized rocks erratically intermixed with a clay matrix, but elsewhere the deposits are sorted and stratified sand and gravel, the result of glacial outwash. The depth to bedrock is typically 20 to 30 feet below ground surface (bgs).

Groundwater

Subsurface water at the site is not used as a potable source. Groundwater in Manhattan is known to have been degraded below potable water standards by several centuries of progressive contamination. The water table under the site would presumably follow the local topography and hence flows south-southwest towards the nearby Hudson River. However, a number of now buried stream channels are known to have been in the area prior to the existing high level of urbanization. These may provide preferred paths of flow, while subway tunnels, buried water and steam pipes, and other subsurface manmade objects may impede and redirect the natural groundwater flow. Infiltration to the water table in the area is likely minimal due to the extensive paving and structure that cover most of the earth's surface in the vicinity.

Subsurface tunnels pipe the water to New York City. Thus, the Subject Property is insulated from effects of the degraded groundwater in its vicinity.

2.4 Subject Property Improvements

2.4.1 Utilities

The Subject Property is served with the following utilities:

Water:	City of New York
Sanitary Sewer:	City of New York
Storm Sewer:	City of New York
Electric:	Con Edison
Natural Gas:	Con Edison

Storm water runoff collected by catch basins and roof drains is discharged into the municipal storm water system.

2.4.2 Building Description

The Subject Property is a 2-story commercial building, with a boiler room in the basement level. It was constructed in 1947 on a land previously occupied by a three-story residential building. The building's basement walls are of cast-in-place concrete. The footprint of the Subject Property is about 4,000 SF with a total commercial space of 8,025 SF.

2.5 Current Property Use

The Subject Property is developed with a 2-story commercial building with commercial tenants. The on-site commercial operations/office activities are not suspected to have degraded the environmental quality of the property. Following is a tenant list and a short description of their operations:

<u>TENANT</u>	<u>DESCRIPTION OF OPERATION</u>
RGH Lighting	Commercial Storage/Offices
Red House Productions	Commercial Storage/Offices

2.6 Environmental Permits and Documents Review

Langan was not provided with any environmental permits or documentation for review.

3.0 HISTORICAL USE

3.1 Sanborn Maps

Langan reviewed Sanborn Fire Insurance Maps (Sanborn Maps) for the Subject Property for the years 1895, 1904, 1921, 1950, 1969, 1975, 1979, 1983, 1985, 1987, 1988, 1991, 1992, 1993, 1994, 1995, 1996 and 2004. Sanborn Maps constitute a database of prior site uses of real property for many cities and towns in the United States. The maps were originally created to assist insurance underwriters in understanding the potential fire risk of structures requiring insurance; however, they are also useful for determining the previous uses of a property. Sanborn Maps begin their coverage in 1867 and continue through the present. Copies are provided in Appendix C. Review of the Subject Property Sanborn Maps identified the following:

1895-1921

The Subject Property is shown as a 3-story residential dwelling building. No environmental concerns are identified on the Subject Property or any adjacent or surrounding properties.

1950

The Subject Property is shown as an auto services and parts facility, built 1947. The structure is identified as having concrete floors and a concrete roof. The adjacent property to the west (119 Leroy Street) is now identified as a parking facility.

1969

No relevant changes have occurred to the Subject Property. The adjacent property to the east (435 Hudson Street) is identified as having one 10,000-gallon and one 15,000-gallon USTs on site. The property at 601 Washington Street is identified as having one 550-gallon UST containing gasoline.

1975-2004

No relevant changes have occurred to the Subject Property or to adjacent/surrounding properties.

Summary

Based on the review of the Sanborn Maps, the Subject Property is identified as a 3-story residential building until 1947. The 1950 Sanborn Map identifies the Subject Property as an Auto Service and Parts Facility. The Sanborn Maps after 1950 identify the Subject Property as office/storage through 2005.

The 1969 Sanborn Map identifies the adjacent property (435 Hudson Street) to the east as having one 10,000-gallon and one 15,000-gallon USTs. No UST registration information could be identified for 435 Hudson Street.

3.2 Historical Topographic Maps

Langan reviewed the USGS Central Park, N.Y.-N.J. 7.5-Minute Series topographic map of the Subject Property area, which is based on aerial photography taken in 1967, last revised in 1981. The topographic map does not identify individual buildings or development on the Subject Property due to the concentration of structures in the highly urbanized area, but rather shows the area in pink denoting urbanized land used, and identifies only landmarks as distinct structures. Nevertheless, the topographic map does not identify any industrial complexes, landfills or wetlands on or adjacent to the Subject Property. Copies are provided in Appendix D.

3.3 Aerial Photographs

Aerial photographs were reviewed in this assessment. No environmental concerns were identified in the review of the aerial photographs. Copies are provided as Appendix E.

3.4 City Directories

City Directory Abstracts for the Subject Property were provided by EDR for the years: 1920, 1923, 1927, 1931, 1934, 1938, 1942, 1947, 1950, 1956, 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998 and 2000. The City Directory Abstract summarizes prior uses of the Subject Property. Copies are provided in Appendix F.

The following is a list of prior uses of the Subject Property:

<u>YEARS</u>	<u>RESULTS</u>
1920, 1923, 1927 and 1931	Address Not Listed in Research Source
1934	Maccarick Delia Teleg Opr H Sanders Walter Police H Residence
1938 and 1942	Address Not Listed in Research Source
1947, 1950 and 1956	Moore A A Distributors Moore Albertus A B Towmotor Corp
1958	Gerlinger Lift Trucks Moore A A Distributors Moore Albertus A B Towmotor Corp
1963	Address Not Listed in Research Source
1968	Dierckx Jules Equip Corp Dierckx Jules Equip Corp Matl Hndlg Jules Dierckx Equip Corp Matl Hndlg Mercury Mfg Co Industrl Truks Servedex Inc Mati Hndig
1973	Clarke Floor Machine CO Lefcourt Sales
1978	Clarke Div Clarke Gravery Corp
1983	Clarke Div McGraw-Edison CO
1988	Boken Sound Services INC
1993	Time Capsules Sound Stage
1998	Red House Music RGH Enterprise Inc Shop

<u>YEARS</u>	<u>RESULTS</u>
2000	Brian Ales Michael E Kessler Red House Music RGH Enterprise Inc

The City Directory Abstract review identified that Towmotor Corp occupied the Subject Property from 1947-1958. Towmotor Corp may present an environmental concern for the Subject Property.

4.0 REGULATORY REVIEW

A copy of regulatory database information contained within a Computerized Environmental Report (CER) provided by EDR is located in Appendix B. The CER is a listing of sites identified on select federal and state standard source environmental databases within the approximate search distance specified by ASTM Standard Practice for Environmental Site Assessments E1527-97. Langan reviewed each environmental database on a record-by-record basis to determine if certain sites identified in the CER are suspected to represent a negative environmental impact to the Subject Property. The following table lists the number of sites by database within the prescribed search radius appearing in the CER:

<u>DATABASE REVIEWED</u>	<u>MINIMUM SEARCH AREA</u>	<u>NUMBER OF SITES</u>
Federal Nation Proprieties List (NPL)	1 Mile Radius	0
Comprehensive Environmental Reponses, Compensation, and Liability Information System (CERCLIS)	1 Mile Radius	1
Federal Resources Conservation and Recovery Information System (RCRIS) Treatment, Storage, and Disposal (TSD) Facilities List	1/2 Mile Radius	0
Federal RCRIS Generators	On-Site and 1/4 Mile Radius	49
Corrective Action Tracking System (CORRACTS)	1 Mile Radius	0
Federal Emergency Responses Notification System (ERNS) List	On-Site	0
NYSDEC Inactive Hazardous Waste Sites (HSWDS)	1 Mile Radius	0
NYSDEC Landfills or Solid Waste Facilities (SWF)	1/2 Mile Radius	2
NYSDEC Chemical Bulk Storage (CBS) Tank Facility List	On-Site and Adjoining Properties	0

<u>DATABASE REVIEWED</u>	<u>MINIMUM SEARCH AREA</u>	<u>NUMBER OF SITES</u>
NYSDEC Underground Petroleum Bulk Storage (PBS) Tank List	On-Site and 1/4 Mile Radius	13
NYSDEC Leaking Underground Storage Tank (LUST)	1/2 Mile Radius	59
NYSDEC Spills Database (SPILLS)	1/4 Mile Radius	16

A review of the CER identified 49 "Orphan Sites". Orphan Sites are those sites that could not be mapped or "geocoded" due to inadequate address information. Langan could not confirm that any of the listed orphan sites were within the specified radii.

A description of the databases reviewed by Langan is provided in the CER. Analyses of sites identified within the prescribed search radius are presented below:

4.1 Federal Databases

NPL

A review of the CER did not identify any NPL sites within a one-mile radius of the Subject Property.

CERCLIS

A review of the CER identified one CERCLIS-NFRAP (CERCLIS- No Further Remedial Action Planned) sites within the prescribed radius. The site is considered as cross or down-gradient to the assumed (based on topography) flow of groundwater (south-southwest). Based on the stated groundwater flow and the distance of the site from the Subject Property, the site is not considered as a REC.

RCRIS TSD Facility Report

A review of the CER did not identify any RCRIS TSD facilities within the prescribed search radius.

RCRIS Generators

Langan reviewed the list of sites, which have filed notification with the USEPA in accordance with Resource Conservation and Recovery Act (RCRA) requirements. These sites include generators of hazardous waste regulated under RCRA. Under RCRA, hazardous waste generators are classified by the mass of hazardous waste generated in a calendar month into the following categories: Large Quantity Generator, greater than 1,000 kilograms (kg); Small Quantity Generator, 100 to 1,000 kg; and Conditionally-Exempt Small Quantity Generator, less than 100 kg. RCRIS Generators, while they represent some form of hazardous waste activity, are most significant if they are determined to have Class I Violations or to be non-compliant.

A review of the CER identified 1 large quantity generator:

- Site Name: Enterprise Press

Site Address: 627 Greenwich Street

Distance/Direction from Subject Property: 259 ft NNW

EPA ID: NYR000055582

The potentially up-gradient site has 12 reported violations and is known to generate hazardous wastes to include ignitable hazardous wastes, benzene and tetrachloroethylene. This site is considered a REC.

Forty-eight small quantity generators were located within the search radius of the Subject Property. Forty-two of the 48 small quantity generators have no reported violations. The remaining six small quantity generators had reported violations that were all resolved within or prior to 2002.

Corrective Action Tracking System (CORRACTS)

A review of the CER did not identify any CORRACTS sites within a one-mile radius of the Subject Property.

ERNS

A review of the CER did not identify the Subject Property on the ERNS database.

4.2 NYSDEC Databases

NYSDEC Inactive Hazardous Waste Sites (IHWS)

A review of the CER did not identify any IHWS within a one-mile radius of the Subject Property.

NYSDEC Solid Waste Facilities (SWF)

A review of the CER identified two SWF sites within a one-half mile radius of the Subject Property. Both sites are listed as potentially down-gradient (with respect to the presumed flow of groundwater) from the Subject Property and therefore are not considered as a REC.

NYSDEC Chemical Bulk Storage (CBS) Tank Facility List

A review of the CER did not identify any CBS within the search radius of the Subject Property.

NYSDEC Underground Petroleum Bulk Storage (PBS) Tank List

A review of the CER identified 13 PBS facilities within the specified search radius. The listing of a registered tank does not alone constitute a potential environmental concern. However, registered tanks, which also appear in the LUST database, may pose an environmental concern.

NYSDEC Leaking Underground Storage Tank Database (LUST)

A review of the CER identified 59 LUST with reported spills within the prescribed search radius. Thirty-three of the spills were closed by the NYSDEC with no further remedial action required. Twelve of the remaining 16 are located potentially downgradient or cross gradient and are distant enough from the Subject Property not to constitute RECs. Two of the remaining five involved spills of petroleum products of quantities less than ten gallons and are distant enough from the Subject Property not to constitute RECs. The remaining two active spills are:

- Site Name: Subject Property
Site Address: 111 Leroy Street
Spill No: 0300861

The spill occurred on 24 April 2003 with an undetermined quantity of a #2 Fuel Oil. The spill was reported to be caused by a tank test failure. This spill is considered a REC.

- Site Name: Dover Garage
Site Address: 534 Hudson Street
Distance/Direction from Subject Property: 1520 ft NNE
Spill No: 9805274
The spill occurred on 28 July 1998 with an undetermined quantity of gasoline. The spill was reported to be caused by a tank failure. This spill is considered a REC.

NYSDEC Spill Sites Database (SPILLS)

A review of the CER identified 16 spills within the prescribed search radius. Thirteen of the spills were closed by the NYSDEC with no further remedial action required. Two of the remaining three spills are located potentially downgradient or cross gradient from the Subject Property and do not constitute RECs. The remaining active spill is:

- Site Name: 78 Morton Street
Site Address: 78 Morton Street
Distance/Direction from Subject Property: 284 ft NNE
Spill No: 0001092
The spill occurred on 07 April 2000 with an undetermined quantity of #2 Fuel Oil. The spill was reported to be caused by equipment failure. This spill is considered a REC.

4.3 Regulatory Agencies Requests

State and local agencies were contacted via Freedom of Information Act (FOIA) written correspondence. Copies of the FOIA requests and available responses are included in Appendix H.

New York City Fire Department (NYFD)

FOIA request was submitted to the NYC Fire Department (NYFD) regarding the presence of USTs for the Subject Property. A response from NYFD confirmed that a 5,000-gallon UST is registered at 111 Leroy Street.

New York City Department of Health (NYCDOH)

FOIA request was submitted to the NYCDOH, Bureau of Environmental Investigations. A response has not yet been received. Upon receipt of a response with significant findings, we will include the response as an addendum to this report.

New York City Department of Environmental Protection (NYCDEP)

FOIA request was submitted to NYCDEP, Bureau of Legal Affairs. A response has not yet been received. Upon receipt of a response with significant findings, we will include the response as an addendum to this report.

New York State Department of Environmental Conservation (NYSDEC)

FOIA request was submitted to NYSDEC. A response has not yet been received. Upon receipt of a response with significant findings, we will include the response as an addendum to this report.

New York State Department of Health (NYSDOH)

FOIA request was submitted to the NYSDOH. A response has not yet been received. Upon receipt of a response with significant findings, we will include the response as an addendum to this report.

United States Environmental Protection Agency, Region 2

FOIA request was submitted to the USEPA, Region 2. A response has not yet been received. Upon receipt of a response with significant findings, we will include the response as an addendum to this report.

4.4 Department of Building Database

Langan conducted an internet search for the Subject Property records at the New York City Department of Buildings (DOB). The DOB Certificates of Occupancy (Appendix G) indicates the following:

<u>YEARS</u>	<u>RESULTS</u>
1947	Basement: Boiler Room 1 st Floor: Repair Service for Lift Machines 2 nd Floor: Office and Area of Light Storage
1985	Basement: Boiler Room 1 st Floor: Sound Studio 2 nd Floor: Sound Studio
1996	Basement: Boiler Room 1 st Floor: Auto Repair Shop 2 nd Floor: Sound Studio

The Subject Property usage as a repair service for lift machines in 1947 and auto repair shop in 1996 constitutes a REC.

5.0 SITE RECONNAISSANCE

A site visit was conducted on 14 March 2005 by Mr. Craig Puerta of Langan. The site visit included a site reconnaissance of the Subject Property and a visual assessment of adjacent properties. The site reconnaissance was conducted in a systematic manner focusing on the exterior and interior spaces of the Subject Property. Persons familiar with the history of the property were not available for interview.

Chemical Storage and Usage

Langan did not identify any chemical substances stored on the Subject Property.

Bulk Storage Tanks

One vertical pipe was observed at the front of the Subject Property, which could be indicative of a UST vent pipe. Inspection of the basement of this building indicated that a boiler room with various mechanical devices was present. No evidence of aboveground tanks was noted. No other evidence of USTs was identified on the Subject Property.

Solid Waste

Solid waste is disposed from the Subject Property on a regular basis.

Sanitary Sewage

Sanitary sewage disposal is provided by the municipality. Langan did not observe any sources of wastewater or liquid discharge into the sewer other than sanitary sewage.

Hazardous Waste

Langan did not observe any hazardous waste at the Subject Property.

Stained Soil, Stained Pavement, or Stressed Vegetation

There was no evidence of soil staining or stressed vegetation observed at the Subject Property.

Liquid Discharges

No visible evidence of liquid discharges suspected to represent an environmental concern on or from the Subject Property was observed during our site visit.

Pools of Liquid

Langan did not observe standing surface water or pools containing liquid likely to be hazardous substances or petroleum products.

Pits, Ponds or Lagoons

Langan did not observe pits, ponds or lagoons suspected of containing hazardous substances or petroleum products on the Subject Property.

Wells

Langan did not identify any dry wells, irrigation wells, injection wells, observation wells, monitoring wells, potable water wells, recovery wells or abandoned wells on the Subject Property.

Floor Drains and Sumps

Langan did not observe floor drains or sumps that were stained or located near chemical or liquid waste storage areas.

6.0 CONCLUSIONS

This Phase I ESA was conducted to identify Recognized Environmental Conditions (RECs) in connection with the Subject Property. The ESA included a site inspection of the Subject Property and a review of environmental agencies databases, City, State and Federal agencies inquiries, historical aerial and topographic photographs, Sanborn maps, and city directories.

Six RECs were identified in this Phase I ESA. REC-1 and REC-2 were identified on the Subject Property. REC-3 through REC-6 were identified on the surrounding properties in close proximity to be a concern.

REC-1: 5000-gallon #2 Fuel Oil Underground Storage Tank (Spill No 0300861)

An active New York State Department of Environmental Conservation (NYSDEC) spill is identified for the Subject Property. The spill occurred on 24 April 2003 with an undetermined quantity of a #2 Fuel Oil. The spill was reported to be caused by an underground storage tank (UST) test failure. Additionally, during our site reconnaissance, a UST vent pipe was identified on the sidewalk in front of the building (Appendix A - Picture 10). A New York City Fire Department Freedom of Information Act search confirmed that a 5,000-gallon UST is registered at 111 Leroy Street.

REC-2: Repair Service for Lift Machines, Automobile Service and Parts, and Repair Shop

Based on our review of the Subject Property's historical usage from the Sanborn maps and the Department of Building, the site was listed as a repair service for lift machines in 1947, an automobile service and parts facility in 1950 and an auto repair shop in 1996. This type of usage constitutes a REC due to the possibility of subsurface contamination related to historical property operations.

REC-3: Underground Storage Tanks at 422-435 Hudson Street

Based on our review of the historical records, one 10,000-gallon and one 15,000-gallon USTs were identified on the adjacent property to the east at 422-435 Hudson Street. Furthermore, three spills were reported for this property but they were all closed by NYSDEC at later dates.

The property at 422-435 Hudson Street is located upgradient of the Subject Property with respect of the assumed groundwater flow (west towards the Hudson River). As such, possible tank failures and spills may have occurred and may have migrated and impacted the soil and groundwater at the Subject Property.

REC-4: #2 Fuel Oil Spill (No 0001092)

An equipment failure on 78 Morton Street resulted in the release of an undetermined quantity of #2 Fuel Oil on 07 April 2000. The NYSDEC spill report shows that the spill remains active. This REC has the potential to impact the Subject Property.

REC-5: Gasoline Spill (No 9805274)

A tank failure on 534 Hudson Street resulted in the release of an undetermined quantity of gasoline on 28 July 1998. The NYSDEC spill report shows that the spill remains active. This REC has the potential to impact the Subject Property.

REC-6: Hazardous Waste Large Quantity Generator

Based on our review of the regulatory database information, Enterprise Press, a hazardous waste large quantity generator was identified at 627 Greenwich Street, 259 feet north northwest of the Subject Property. The potentially up-gradient site has 12 reported violations and is known to generate hazardous wastes to include ignitable hazardous wastes, benzene and tetrachloroethylene.

Recommendations

- We recommend a non-intrusive geophysical investigation (ground penetrating radar, magnetometer, etc.) to determine the UST location at the Subject Property. If found, the UST should be removed and closed in accordance with NYSDEC Petroleum Bulk Storage regulations.
- We recommend a Phase II Environmental Site Investigation at the Subject Property to determine if the soil and groundwater have been impacted from the current and historical usage at the Subject Property and the surrounding ones.