3

Hazardous Materials

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic).

Introduction

According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when:

- Hazardous materials exist on a site, and a proposed action would increase pathways to their exposure; or
- An action would introduce new activities or processes using hazardous materials.

As discussed in **Chapter 1, Project Description,** the Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. The Proposed Actions would not result in any subsurface disturbance at either the Starrett-Lehigh Building or Terminal Warehouse. Any interior renovations that would occur within the buildings to accommodate new tenants would comply with applicable federal, state, and local requirements, including Department of Buildings requirements, for abatement of asbestos, lead-based paints, or other potential hazards, should any be present.

This chapter assesses the potential for the Proposed Actions to result in significant adverse impacts (as defined by the 2020 *CEQR Technical Manual*) with respect to workers, the community, and/or the environment.

Principal Conclusions

The Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. Any construction needed at the buildings would be interior construction to fit out tenant space—typical of any building that changes tenants—and the Proposed Actions would not result in ground disturbance at either the Starrett-Lehigh Building or Terminal Warehouse. In addition, any interior renovations that would occur within the buildings to accommodate new tenants would, as in existing conditions, comply with applicable federal, state, and local, including Department of Buildings, requirements for abatement of asbestos, lead-based paints, or other potential hazards, should any be present in the area of interior renovation. Therefore, the Proposed Actions would not result in significant adverse impacts relating to hazardous materials.

As a conservative measure due to the potential for community facility use in the buildings, the New York City Department of Environmental Protection (NYCDEP) requested an (E) Designation for hazardous material (E-625) be applied to Block 672, Lot 1 and Block 673, Lot 1. The (E) Designation requires sampling and remedial protocols be implemented under the administration of the New York City Mayor's Office of Environmental Remediation (OER) prior to the issuance of any permits that allow for soil disturbance related to the inclusion of a community facility use, or prior to applying for or accepting a temporary or permanent Certificate of Occupancy (C/O) that reflects a change in use group to community facility use.

Methodology

The potential for hazardous materials within the Project Area was evaluated in the following environmental documents:

- Phase I ESA for the Starrett Lehigh Building, prepared by AEI Consultants (AEI), dated May 28, 2013.
- Phase I ESA for the Terminal Warehouse Building, prepared by Property Solutions, Inc. (Property Solutions), dated August 13, 2018.
- Central Stores and Summary of Asbestos-Containing Material (ACM), prepared by Hillmann Consulting, LLC (Hillmann), dated August 12, 2020.

The goal of a Phase I ESA process is to identify Recognized Environmental Conditions (RECs), which means 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 release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. Per the ASTM Standard, a Phase I ESA reviews a variety of information sources, including current and historic Sanborn Fire Insurance Maps and aerial photographs; state and federal environmental regulatory databases identifying listed sites; and local environmental records.

The Phase I ESAs summarized herein also included reconnaissance of the Project Area and surrounding neighborhood and interviews with relevant site personnel.

In addition to the above, Phase I ESAs may often evaluate environmental concerns at a site that are not covered in the scope of ASTM-compliant Phase I ESAs. These additional environmental issues (or non-scope considerations) could evaluate for the potential present of radon, lead-based paint (LBP), ACM, wetlands, and mold and water damage.

Due to the age of the Phase I ESA for the Starrett-Lehigh Building, and at the request of New York City Department of Environmental Protection, an updated site reconnaissance was conducted at the Starrett-Lehigh Building by a VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (VHB) Environmental Scientist to assess existing conditions for overt evidence of a release or threat of a release of oil and/or hazardous materials (OHM) within the interior and exterior portions of the building. In addition, an updated regulatory agency database search was conducted in accordance with the ASTM E 1527-13 standard search radius to evaluate current database listings for the Starrett-Lehigh Building and surrounding areas to determine if any on- or off-site database listings are indicative of a condition that could adversely impact subsurface environmental conditions.

As noted above, the Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. The Proposed Actions would not result in any subsurface disturbance at either the Starrett-Lehigh Building or Terminal Warehouse. Any interior renovations that would occur within the buildings to accommodate new tenants would comply with applicable federal, state, and local, including Department of Buildings, requirements for abatement of asbestos, lead-based paints, or other potential hazards, should any be present.

Assessment

Existing Conditions

The project area, in its current state, includes the Starrett-Lehigh Building, which varies in height from 11 stories (approximately 140 feet) on the western portion of the building to 19 stories at the eastern portion, and the Terminal Warehouse, which is 7 to 9 stories in height.

The project area is located on the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1). Both buildings are occupied by a number of different types of businesses, including eating and drinking establishments, office, and showroom space and storage, warehouse, and studio space. Additionally, the Starrett-Lehigh Building contains manufacturing uses.

A summary of relevant environmental assessments performed in the project area as they relate to the Proposed Actions is provided in the subsections, below.

Phase I Environmental Site Assessment, Starrett-Lehigh Building

The Phase I ESA for the Starrett-Lehigh Building contained a summary of existing conditions and site history. According to the Phase I ESA, at the time of the assessment, the Starrett-Lehigh Building consisted of a 2,354,976 sf, 19-story commercial office building, which was

constructed of a reinforced concrete foundation and masonry foundation walls. The superstructure was composed of a combination of reinforced concrete and concrete encased steel framing. The building exterior was constructed of brick masonry walls and window framing. The roofs were flat constructed with a built-up roofing system. At the time of the Phase I ESA site reconnaissance, the building was occupied by over 170 tenants including offices, artist and movie studios, telecommunication companies, and a street-level restaurant.

The Phase I ESA established a history of the Starrett-Lehigh Building parcel dating back to the 1880s, when the parcel was previously utilized as a freight railroad yard. The site was developed with the existing Starrett-Lehigh Building in 1931 as an industrial and freight handling facility that was subsequently converted into a commercial and mixed-use building in 2000. A review of historical resources including Sanborn maps and city directories contained in the Phase I ESA indicate the Starrett-Lehigh Building was occupied by various industrial, light manufacturing, and commercial operations.

Based on the conclusions, the Phase I ESA recommended no further action for the site, with the exception of proper abandonment of on-site groundwater monitoring wells that were presumably associated with a former spill that was closed by the NYSDEC.

In summary, the Phase I ESA identified the following findings for the Starrett-Lehigh Building:

- The Starrett-Lehigh Building is located at a topographic elevation of ten (10) feet above mean sea level (amsl), with the overall topographic gradient sloping gently to the west, toward the Hudson River.
- Depth-to-groundwater is expected to be within ten (10) feet below grade surface (bgs). Groundwater flow beneath the site presumably flows to the west, toward the Hudson River.
- Sanitary wastewater generated at the building discharges to the New York City municipal sewer system.
- Electricity and natural gas are provided to the Starrett-Lehigh Building by ConEdison via underground service lines.
- Heat to the building is provided via two (2) dual-fired natural gas and #4 heating oil-fired boilers located within the basement of the building. The building was identified on the NYSDEC Petroleum Bulk Storage (PBS) UST and AST databases for the following active and inactive storage tanks:
  - Six (6) 20,000-gallon #6 fuel oil ASTs close-in-place in 2005
  - One (1) 10,000-gallon diesel AST close-in-place in April 2000.
  - Two (2) 250-gallon ASTs closed-in-place in May 2000.
  - Two (2) 250-gallon ASTs (unknown contents) closed-in-place in December 2005.
  - One (1) 20,000-gallon #6 fuel oil AST installed in June 2006. This AST was confirmed to be present during the Phase I ESA site reconnaissance.
  - One (1) 20,000-gallon #6 fuel oil AST installed in February 2000. This AST was confirmed to be present during the Phase I ESA site reconnaissance.
  - One (1) 5,000-gallon #2 heating oil AST installed in May 2000. This AST was confirmed to be present during the Phase I ESA site reconnaissance.

- Two (2) 250-gallon #2 fuel oil ASTs installed in May 2000.
- One (1) 3,000-gallon diesel AST installed in April 2011. This AST was confirmed to be present during the Phase I ESA site reconnaissance.
- One (1) 250-gallon AST (unspecified contents) installed in March 1999.
- One (1) 10,000-gallon diesel AST installed in January 2000.
- One (1) 275-gallon waste oil AST installed in January 2000.
- One (1) 1,000-gallon waste oil AST installed in January 1996.
- One (1) 500-gallon lube oil AST installed in January 1996.

Several of the ASTs identified above were not confirmed during the Phase I ESA site reconnaissance. In addition to the tanks registered to the site above, three (3) 250-gallon diesel ASTs were observed in the third and fourth floor generator rooms which were owned and operated by Broadview Networks.

› The building utilizes rooftop-mounted cooling towers and packaged units placed on individual tenant floors for air conditioning.

› At the time of the Phase I ESA, the Starrett-Lehigh Building was listed as a Resource Conservation and Recovery Act (RCRA) Conditionally Exempt Small Quantity Hazardous Waste Generator (CESQG), with no open violations. The site was also listed on the MANIFEST and FINDS databases in support of the RCRA generator listing.

› One tenant, Williams Communication Group, was identified as a RCRA No Longer Regulated Hazardous Waste Generator (NonGen) with no reported violations.

› Multiple additional spill incidents were identified for the site in the Phase I ESA which are summarized, below.

- A tank failure was reported for the site in October 1997 and was reported as NYSDEC Spill No. 91-00519. Approximately 150-gallons of fuel oil was released from a 20,000-gallon #6 fuel oil AST in the basement. The spill was reportedly remediated, and the spill incident was issued a no further action determination by the NYSDEC on October 16, 1997.
- A release into the warehouse tank room at the property resulted was reported and assigned as NYSDEC Spill No. 91-06840. The product was reportedly remediated, and the spill was issued a no further action determination by the NYSDEC on March 30, 1995.
- An equipment failure in a ConEdison utility vault was assigned NYSDEC Spill No. 91-11011 due to the release of one gallon of dielectric fluid. The spill was reportedly remediated, and the spill incident was issued a no further action determination by the NYSDEC on February 16, 2007.
- A spill incident (NYSDEC Spill No. 94-12158) was reported in December 1994 due to a minor gasoline release from a passenger vehicle. The spill incident was remediated and issued a no further action determination by the NYSDEC on December 12, 1994.
- Contaminated soils were encountered along the Eleventh Avenue sidewalk of the site when drilling activities were conducted for the #7 subway extension. The spill was assigned NYSDEC Spill No. 04-07003. The spill was consolidated under NYSDEC Spill No. 03-11818, which is further discussed, below.

  - A two (2) gallon oil spill in a transformer vault was assigned NYSDEC Spill No. 06-10036. The spill was remediated and issued a determination of no further action by the NYSDEC on February 16, 2007.
  - A release of 500-gallons of #4 fuel oil was assigned NYSDEC Spill No. 11-06143. The spill incident was extensively investigated by the NYSDEC and, based on post remedial soil and groundwater endpoint sampling, the spill was issued a determination of no further action by the NYSDEC on March 26, 2013.
  - A release of approximately 2,500-gallons of #6 fuel oil at the site was assigned NYSDEC Spill No. 93-04676. A closure report reviewed indicated a large quantity of soils were excavated in the vicinity of the closed USTs. Due to structural issues, soils could not be removed from the site. However, soil endpoint samples were below applicable NYSDEC standards. Groundwater remained contaminated with elevated concentrations of benzene. However, groundwater monitoring indicated benzene levels were reducing via natural attenuation. The NYSDEC issued a determination of no further action on May 22, 2007. However, soil contamination remains in place due to the structural concerns.
  - An approximately 4,000-gallon release of #4 heating oil was assigned NYSDEC Spill No. 03-11818. The spill was reportedly investigated by the NYSDEC and remediated accordingly. A determination of no further action was issued by the NYSDEC on March 30, 2006.
- Working quantities of janitorial cleaning supplies were stored in the building at the time of the Phase I ESA site reconnaissance. No evidence of improper use, storage or disposal of hazardous materials/petroleum products was observed.
- No electrical or mechanical equipment was identified with the potential to be equipped with PCB-containing hydraulic fluid or dielectric fluid.
- Floor drains and a sump were observed in the cellar level boiler room of the building during the Phase I ESA site reconnaissance. A floor-mounted grease trap was observed in the restaurant space. All drains reportedly discharge to the municipal sewer.
- One groundwater monitoring well was observed along the east side of the site, along Eleventh Avenue, and several groundwater monitoring wells were observed along the west side of the loading dock area during the Phase I ESA site reconnaissance. It was assumed these monitoring wells were associated with previous spill incidents summarized above.
- Suspect ACM was observed in building materials during the site reconnaissance. Additional information relating to suspect asbestos in the Starrett-Lehigh Building is provided in the previous investigations incorporated into the Phase I ESA, below.
- Given the age of the building, there is a potential for lead-based paint to be present.

The Phase I ESA summarized and appended several previous assessments that were incorporated into the findings. These documents are summarized, below.

- Asbestos Investigation – 601 West 26th Street, Basement, prepared by Environmental Building Solutions, LLC, dated April 24, 2013.
  - Five oil boiler ports located within the basement of the building were sampled for asbestos-content. The report indicated that four (4) of the five (5) samples were identified as ACM by laboratory analysis.

- Copies of Asbestos Assessment Reports filed with the NYCDEP.
  - The Phase I ESA confirmed the presence of ACM from various planned renovation activities within various areas of the Starrett-Lehigh Building.
- Air Quality Test within the Ralph Lauren Tenant Space, prepared by Environmental Building Solutions, LLC, dated March 25, 2013.
  - The results of the Air Quality test indicated a total of 19 air samples were collected as a post-abatement air clearance sampling event within the Ralph Lauren tenant space. The analysis indicated that all samples contained less than 0.01 fibers/cc.
- NYCDEP Groundwater Discharge Permit
  - A NYCDEP permit to discharge 9,900 gallons per day of groundwater generated from a spill at the site was dated October 26, 2011 and valid until October 25, 2012.
- Mold Investigation at Suite 410, prepared by Environmental Building Solutions, LLC., dated January 23, 2012
  - Based on the report, no evidence of fungal growth and/or amplification occurring on the duct work was identified in support of duct work conducted in Suite 410 of the building.
- Phase I ESA for the Starrett-Lehigh Building, prepared by IVI International (IVI), dated April 27, 2011
  - A previous Phase I ESA prepared by IVI was appended to the Phase I ESA prepared by AEI. The following REC was identified in IVI's Phase I ESA:
    - *Closed In-Place Underground Storage Tanks (USTs):* Six (6) 20,000-gallon No. 6 fuel oil USTs, located under the loading dock along 26th Street, were closed-in-place. Three (3) of the six (6) USTs were reportedly closed-in-place in 2002 and the remaining three (3) USTs were closed in 2005. The tanks were pumped, cleaned and filled with lightweight concrete slurry mixture. Based on regulatory agency database listings, large soil excavations were conducted in the areas of these tanks. Due to a risk of structural undermining, contaminated soils were left in-place. However, it was estimated that approximately 95% of contaminated soils were removed. Endpoint sampling conducted were below regulatory thresholds at the time. Groundwater testing in 2006 showed a significant decline in contaminant levels, with some remaining exceedances attributed to the tank abandonment. All associated spill incidents were issued determinations of no further action by the NYSDEC. No further documents relating to the spill remediation and closure were provided to IVI.
    - *Gasoline USTs:* Historic Sanborn maps indicate seven (7) 550-gallon gasoline USTs on the western portion of the site along Twelfth Avenue. IVI's site reconnaissance identified no evidence of fill ports and/or vent pipes indicative of USTs in the area. The IVI Phase I ESA indicated the gasoline USTs may still be located on-site and recommended further investigation with respect to the integrity of the tanks (if present) and subsurface conditions relating to the gasoline USTs.
  - The following additional environmental concerns were identified in IVI's Phase I ESA:
    - *On-Site Automobile Repair Operations*: At the time of the IVI site reconnaissance, the Starrett-Lehigh Building contained an auto repair center located on the first

floor of the building which was operated and maintained by the FBI. Limited access was provided, but no verification of waste management practices and or other waste storage conditions was provided.

- *Asbestos-Containing Material*: No friable ACM was identified in readily accessible areas during site reconnaissance. Suspect ACM was observed throughout some building spaces.

Based upon the results of the Phase I ESA, the following REC was identified for the Starrett-Lehigh Building:

› Multiple spill incidents were identified for the Starrett-Lehigh Building which involved large quantities of fuel oil between 1993 and 2013. Although all spill incidents have been closed by the NYSDEC, large quantities of contaminated soils were excavated and disposed based upon the release of fuel oil from tanks on the site. A closure report reviewed indicate that approximately 95% of contaminated soils were removed but due to structural concerns, some contamination could not be removed from the site. Groundwater contamination has been reduced through natural attenuation, which enabled NYSDEC to close the associated spill incidents. The presence of residual contamination to soil and groundwater represented a REC for the Starrett-Lehigh Building.

The following Historical Recognized Environmental Conditions (HRECs) were identified for the Starrett-Lehigh Building:

› Approximately 150-gallons of #6 fuel oil were remediated within the basement under NYSDEC Spill No. 91-00519. Based upon the spill closure, this incident was considered an HREC.

› A gasoline release from a passenger vehicle was remediated under NYSDEC Spill No. 94-12158. Based upon the spill closure, this incident was considered an HREC.

The following *de minimis* condition was identified for the Starrett-Lehigh Building:

› Minor staining and discoloration of the floors in the AST rooms of the building containing two (2) 20,000-gallon fuel oil ASTs and 5,000-gallon diesel AST was observed during the Phase I ESA site reconnaissance. The staining was contained to the floor with no cracks or drains impacted. This was considered a de minimis condition with no potential to affect subsurface conditions at the Starrett-Lehigh Building.

Updated Site Reconnaissance and EDR Database Report

Site Reconnaissance

An updated site reconnaissance was conducted on April 16, 2021 at the Starrett-Lehigh Building by a VHB Environmental Scientist. The site reconnaissance was conducted to assess existing conditions for overt evidence of a release or threat of a release of OHM within the interior and exterior portions of the building. Specifically, the Starrett-Lehigh Building was observed for visual and reasonably identifiable indications of RECs as defined in ASTM E 1527-13. It should be noted that given the size of the building, the scope of the updated site reconnaissance was generally limited to the basement, including the boiler room and maintenance/storage areas, along with solid waste storage areas proximate to the loading

dock, ground floor areas, known areas of petroleum storage tanks, and the parking garage. In addition, some tenant spaces on various floors were accessed and observed for representative conditions of occupied spaces.

During the updated site reconnaissance, VHB personnel was accompanied by a representative of the Engineering Division of Building Management. The on-site representative provided general background information regarding the current conditions of the building and provided information relating to environmental site features.

At the time of the site reconnaissance, the ground floor of the Starrett-Lehigh Building was under renovation, including reconfiguration of the building lobby and several retail and tenant spaces. Some tenant spaces within the building were also under renovation on the upper floors. The renovations observed did not involve subgrade/soil disturbing activities and were contained to their respective building/tenant spaces or common areas. **Table 3-1** provides a summary of VHB's observations during the Site reconnaissance.

Table 3-1 Site Reconnaissance Summary

Observation	Observed or Suspected
Areas of OHM product storage and use / Drums / Hazardous Substance and Petroleum Products Containers	**Working quantities of maintenance products and household cleaning agents observed within the interior building spaces. Additional working quantities suspected in areas not accessed.**
Above Ground Storage Tanks (ASTs)	**Two (2) 20,000-gallon fuel oil ASTs observed within a tank room adjacent to the loading dock. Three (3) emergency backup generator day tanks observed (presumably diesel).**
Underground Storage Tanks (USTs)	**Not Observed**
Odors	**Not Observed**
Pools of liquid	**Not Observed**
Unidentified Substance Containers	**Not Observed**
Transformers and any identified PCB-containing equipment	**ConEdison utility vaults/manholes in sidewalks and in area roadways. Passenger and freight elevators observed to be cable operated not indicative of PCB-containing hydraulic fluid.**
Heating/Cooling systems	**Boiler room observed within basement of building. Boilers are reportedly dual-fired natural gas/fuel oil. Cooling towers and HVAC units observed on rooftop.**
Interior stains or corrosion	**Not Observed**
Interior drains, sumps, and below grade conveyances	**Condensate trench drains observed within boiler room and discharge to solid-bottom sump pits. Basement sump pumps discharge to sanitary sewer.**
Exterior pits/ponds/lagoons	**Not Observed**
Pesticide use	**Not Observed**
Stained soil or pavement	**Not Observed**
Stressed vegetation	**Not Observed**
Evidence of solid waste storage/disposal on the Site	**Solid waste stored within metal receptacles in loading area. Solid waste routinely removed by waste hauler. Recyclables also stored in plastic bins within loading area.**
Evidence of fill materials	**Not Observed**
Wastewater discharges	**Not Observed. Urban fill materials may be present**

Table 3-1 Site Reconnaissance Summary

Observation	Observed or Suspected
Potable Water Supply and On-Site Wells	**Potable water provided by municipal source (NYCDEP). No On-Site Supply Wells Observed. Three (3) groundwater monitoring wells observed along western/southwestern exterior of building.**
Septic systems	**Sanitary wastes discharge to the New York City municipal sewer system.**
Evidence of spills/releases	**Not Observed**
Hazardous waste	**Not Observed**
Non-Hazardous waste	**Not Observed**
Air Emissions	**Not Observed**
Adjacent Properties	**Not Observed**
Hazardous Building Materials	**Given the age of the building, there is a potential for ACM, LBP and PCBs to be present in building materials. Furthermore, building features such as fluorescent light fixtures have the potential to be equipped with PCB-containing ballasts.**

As indicated in the summary table above, several petroleum ASTs (fuel oil and diesel) were observed during VHB's site reconnaissance, which were also previously observed as part of the AEI Phase I ESA site reconnaissance. Each AST observed was in good condition, with no evidence of staining or threat of release.

Housekeeping practices within the Starrett-Lehigh Building were observed to be good, with no visual evidence of debris, dumping or surficial staining. Construction materials staged as part of ongoing renovations were observed to be stored in designated areas in an orderly manner. Working quantities of household cleaning agents and janitorial supplies were observed throughout the Starrett-Lehigh Building during VHB's site reconnaissance. These materials were observed to be in good condition and do not represent a significant environmental risk.

Three (3) groundwater monitoring wells were observed along the western and southwestern exterior of the Starrett-Lehigh Building during VHB's site reconnaissance. These monitoring wells were previously observed as part of the AEI Phase I ESA site reconnaissance and were presumably associated with former groundwater monitoring activities associated with a closed NYSDEC spill incident. The presence of the monitoring wells is not considered a significant environmental risk. However, the monitoring wells were previously recommended for decommissioning in AEI's Phase I ESA.

Condensate floor and trench drains discharge to sump pits located throughout the boiler and basement areas. The sump pits are pumped and discharge to the sanitary sewer.

Given the age of the building, there is a potential for ACM, LBP and PCBs to be present in building materials. Further, fluorescent light ballasts have the potential to be equipped with PCB-containing ballasts, which are subject to federal disposal restrictions. The potential presence of these building features is unlikely to have an adverse impact on subsurface environmental conditions at the Starrett-Lehigh Building.

There were no interior or exterior conditions observed during the VHB's site reconnaissance with the potential to adversely impact subsurface environmental conditions at the Starrett-Lehigh Building.

EDR Database Report

Starrett-Lehigh Building EDR Database Listings

EDR provide an updated computerized database search of environmental database listings within the ASTM-standard radius, dated April 14, 2021 for the Starrett-Lehigh Building. The updated database search was compared to previous database listings summarized in the Phase I ESA prepared by AEI to determine if any listings for the Starrett-Lehigh Building or adjacent/nearby sites are indicative of conditions that have a potential to adversely affect subsurface environmental conditions at the Starrett-Lehigh Building. Based on a review of the EDR database report, there were no on- or off-site conditions identified beyond those previously identified in the AEI Phase I ESA with the potential to adversely impact subsurface environmental conditions, as discussed in the analysis, below.

The Starrett-Lehigh Building was identified on the following EDR databases listings:

Aeromatic Information Retrieval System (AIRS)

The AIRS is a computer-based repository of information about airborne pollution in the United States. AIRS is administered by the United States Environmental Protection Agency. The AIRS contains all air quality, emissions, compliance and enforcement information that the Office of Air Quality Planning and Standards (OAQPS) and State agencies need to carry out their respective programs for improving and maintaining air quality. The information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, universities, and provides information about the air pollutants they produce.

The Starrett-Lehigh Building was identified on the AIRS database under several listings:

- Wiltel Communications LLC, 601 West 26th Street
- FBI Automotive Repair Unit, 601 West 26th Street
- Starrett-Lehigh, 601 W 26th Street

There is no evidence in the EDR database report that suggests the AIRS listings have an adverse impact on subsurface environmental conditions at the Starrett-Lehigh Building.

Integrated Compliance Information System (ICIS)

The ICIS data exchange allows agencies to submit data for either the National Pollution Elimination System (NPDES) or air stationary source compliance and enforcement. The Starrett-Lehigh Building was identified on the ICIS database under several listings:

- Wiltel Communications LLC, 601 West 26th Street
- Starrett-Lehigh, 601 W 26th Street

There is no evidence in the EDR database report that suggests the ICIS listings have an adverse impact on subsurface environmental conditions at the Starrett-Lehigh Building.

Facility Index System (FINDS)

The FINDS database is a compilation of information contained in several major and minor federal environmental databases. It contains some facility information, but mostly provides leads to the individual databases or other sources which contain more information. EDR includes the following minor databases in the FINDS index: Permit Compliance System (PCS); Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS); environment statute civil and criminal enforcement dockets (DOCKET and C-DOCKET); Federal Underground Injection Control (FURS); Federal Facilities Information System (FFIS); State Environmental Laws and Statues (STATE); and PCB Activity Data System (PADS). The Starrett-Lehigh Building was identified on the FINDS database under several listings:

- Con Ed, 601 West 26th Street
- Fiberbilt Cases Inc, 601 West 26th Street
- Camp Shomria – Chlorinator for Well #2, 601 West 26th Street (administrative listing)
- Network Plus Business Communicating, 601 West 26th Street
- FBI Auto Repair Unit, Second Floor, 601 West 26th Street
- Wiltel Comunications, First Floor, 601 West 26th Street
- Marsel Lithograph & Printing, 601 West 26th Street

There is no evidence in the EDR database report that suggests the FINDS listings have an adverse impact on subsurface environmental conditions at the Starrett-Lehigh Building.

Cooling Towers

The COOLING TOWERS database contains a listing of cooling towers registered in New York State. The Starrett-Lehigh Building was identified on the COOLING TOWERS database under the address 601 West 26th Street, and there is no evidence in the EDR database report that suggests these listings have an adverse impact on subsurface conditions environmental conditions at the Starrett-Lehigh Building.

Historic Auto Stations

The Historic Auto Stations (HAS) contains a listing of potential gas station/filling station/service station sites that were available to EDR researchers. The categories reviewed included, but were not limited to, gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. The Starrett-Lehigh Building was listed on the HAS under the name "Construction Corporation Amoco" as a gasoline service station between 2010 and 2011. However, there is no historical record, evidence or additional database listings (i.e., gasoline tanks) indicative of gasoline filling station activities at the Starrett-Lehigh Building. As such, it is likely this listing was erroneously included in the EDR database report.

Spill Incidents/Leaking Underground Storage Tanks

The SPILLS database contains a listing of spills reported to the NYSDEC, and the LTANKS database contains an inventory of spills reported as leaking understood storage tanks (USTs) incidents. A listing of spill incidents identified on the SPILLS and LTANKS databases at the Starrett-Lehigh Building were reviewed. The following NYSDEC spill incidents (each requiring

No Further Remedial Action) were identified in the EDR report had had been previously identified in the AEI Phase I ESA and summarized, above:

- NYSDEC Spill No. 91-00519 – closed October 16, 1997
- NYSDEC Spill No. 91-06840 – closed March 30, 1995
- NYSDEC Spill No. 93-04676 – closed May 22, 2006
- NYSDEC Spill No. 94-12158 – closed December 12, 1994
- NYSDEC Spill No. 03-11818 – closed March 30, 2006
- NYSDEC Spill No. 04-07003 – closed October 6, 2005
- NYSDEC Spill No. 09-11011 – closed May 26, 2010
- NYSDEC Spill No. 11-06143 – closed March 26, 2013
- NYSDEC Spill No. 12-11206 – closed December 4, 2012

In addition to the above, the following additional spill incidents were identified on the SPILLS database for the Starrett-Lehigh Building in the updated EDR database report:

- NYSDEC Spill No. 04-06966, 26th Street and Eleventh Avenue. According to the EDR database report, this spill incident is related to a strong odor and contaminated soils discovered during a soil boring investigation for NYC Transit in front of the Starrett-Lehigh Building. Although this is an off-site release, the spill was consolidated under NYSDEC Spill No. 03-11818 and issued a determination of no further action by the NYSDEC on October 6, 2005.
- NYSDEC Spill No. 14-03083, Electrical Buss Compartment, 601 West 26th Street. According to the EDR database report, this spill incident was reported when a contractor removed a section of copper piping that was covered in asbestos wrap. The spill is not considered a release to the subsurface, and the spill incident was issued a determination of no further action by the NYSDEC on June 20, 2014.
- NYSDEC Spill No. 17-08994, Construction Site, 601 West 26th Street Ninth Floor. According to the EDR database report, this spill incident was reported when an electrician drilled into a masonry wall and a pipe containing ethylene glycol was punctured, causing a release of approximately 200 gallons of ethylene glycol onto the ninth floor. The material was reportedly contained and remediated. The spill incident was issued a determination of no further action by the NYSDEC on December 29, 2017.

Based on the information provided, the above-listed spill incidents are unlikely to have a significant impact on subsurface environmental conditions at the Starrett-Lehigh Building. Furthermore, based on a review of available information in the EDR database report, it is likely residual contamination still exists beneath the Starrett-Lehigh Building in association with NYSDEC Spill No. 93-04676, as previously indicated in the AEI Phase I ESA. However, no further action is required based on NYSDEC closure.

Petroleum Bulk Storage – Aboveground Storage Tanks

The PBS-AST database contains a listing of registered ASTs. There were several ASTs registered to the Starrett-Lehigh Building, as described in the AEI Phase I ESA. An updated registration was provided in the EDR database report which indicates the Starrett-Lehigh Building (PBS ID No. 2-607987) is registered with the following tanks:

- Six (6) 20,000-gallon #6 fuel oil ASTs closed-in-place in 2005
- One (1) 10,000-gallon diesel AST closed-in-place in April 2000.
- Two (2) 250-gallon ASTs closed-in-place in May 2000.
- Two (2) 250-gallon ASTs (unknown contents) closed-in-place in December 2005.
- One (1) 20,000-gallon #6 fuel oil AST installed in June 2006. This AST was confirmed to be present during the Phase I ESA site reconnaissance.
- One (1) 20,000-gallon #6 fuel oil AST installed in February 2000. This AST was confirmed to be present during the Phase I ESA site reconnaissance.
- One (1) 5,000-gallon #2 heating oil AST installed in May 2000.
- Two (2) 250-gallon #2 fuel oil ASTs installed in May 2000.
- One (1) 3,000-gallon diesel AST installed in April 2011 and removed in 2016.
- One (1) 250-gallon AST (unspecified contents) installed in March 1999.
- One (1) 10,000-gallon diesel AST installed in January 2000 and removed in 2016.
- One (1) 275-gallon waste oil AST installed in January 2000 and removed in 2016.
- One (1) 1,000-gallon waste oil AST installed in January 1996 and removed in 2016.
- One (1) 500-gallon lube oil AST installed in January 1996 and removed in 2016.
- One (1) 10,000-gallon in-service diesel generator AST.
- One (1) 275-gallon diesel AST installed in 2013.
- One (1) 75-gallon diesel AST installed in 2013.
- One (1) 275-gallon AST converted to non-regulated use.

An additional PBS database listing was identified for the Starrett-Lehigh Building (PBS ID No. 2-612648) under the name "Windstream New York City BV Data Center," addressed to 601 West 26th Street. This listing indicates the Starrett-Lehigh Building is also registered with the following tanks:

- One (1) in-service 3,000-gallon diesel AST associated with an emergency backup generator installed in 2011.
- One (1) 275-gallon in-service diesel AST associated with an emergency backup generator installed in 2012.
- One (1) 75-gallon diesel AST associated with an emergency backup generator removed in 2019.

As previously indicated, several of the above-listed ASTs registered to the Starrett-Lehigh Building, including two (2) 20,000-gallon fuel oil ASTs and diesel ASTs associated with various emergency backup generators were observed during the updated site reconnaissance. Each AST observed was in good condition with no visual evidence of leaks or threat of release. Although the building representative did not have knowledge of several remaining ASTs registered to the Starrett-Lehigh Building and Windstream New York City BV Data Center, VHB personnel accessed and observed the majority of the ground floor and basement spaces during the updated site reconnaissance and did not identify any suspect conditions indicative of a release associated with petroleum storage tanks. Furthermore, all tanks currently registered to the Starrett-Lehigh Building are listed as aboveground.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Generators

The RCRA database contains a listing of hazardous waste generators. RCRA Very Small Quantity Hazardous Waste Generators (RCRA-VSQGs) generate less than 100 kilograms (kg) of hazardous waste, or less than one kg of acutely hazardous waste per month. RCRA No Longer Regulated Hazardous Waste Generators (RCRA-NonGens) do not presently generate hazardous waste. A review of the EDR database report indicates there are three (3) RCRA listings for the Starrett-Lehigh Building, which are summarized as follows:

- FBI Automotive Repair Unit, 601 West 26th Street, Second Floor. This facility is listed on the RCRA-VSQG database with no RCRA violations. According to available manifest information, this facility is listed for the generation of D-coded ignitable and corrosive wastes, along with spent halogenated solvents.
- Starrett-Lehigh Building, 601 West 26th Street. This facility is listed on the RCRA-VSQG for the generation of ignitable, corrosive, chromium, lead, mercury, selenium and spent halogenated solvents. There were no unresolved violations associated with this listing.
- Williams Communications Group, First Floor, 601 West 26th Street. This facility is listed on the RCRA-NonGen database and does not presently generate hazardous waste. According to available manifest data, this facility previously generated lead-impacted waste. There were no reported RCRA violations associated with this listing.

As indicated, there were no unresolved RCRA violations associated with the above-listed RCRA database listings. Furthermore, the above RCRA listings for the Starrett-Lehigh Building are not indicative of a release to the subsurface.

Surrounding Properties

A review of surrounding area database listings was conducted to determine if any sites in the general vicinity are indicative of potential conditions that could adversely impact subsurface environmental conditions at the Starrett-Lehigh Building. The evaluation criteria was based on database listings that are located immediately adjacent to, or upgradient with respect assumed groundwater flow (assumed to flow to the west, toward the Hudson River). Listings located upgradient were evaluated either holistically or individually based on the database.

Federal Database Listings

A review of the EDR database report has revealed no upgradient federal database listings relating to the National Priority List (NPL), Superfund Enterprise Management System (SEMS), Superfund Enterprise Management Archive (SEMS-ARCHIVE), US Engineering Controls (USEC), US Institutional Controls (USIC), Formerly Used Defense Sites (FUDS), Record of Decision (ROD) or Federal Settlement Orders (CONSENT) with the potential to impact subsurface environmental conditions at the Starrett-Lehigh Building. One NPL facility, Hudson River PCBs, is associated with contaminated river sediments in the Hudson River from an upstream facility. This site is located to the west and is not considered a significant environmental concern as it relates to subsurface environmental conditions at the Starrett-Lehigh Building.

There were no active or unresolved RCRA violations associated with the 152 RCRA hazardous waste generators identified in the EDR database report, and there is no evidence in the EDR database report that suggests these listings have a potential to adversely impact subsurface

environmental conditions at the Starrett-Lehigh Building. The adjacent RCRA hazardous waste generators are listed identified as follows:

- RCRA-NonGen: Federal Express Corp., 600 West 27th Street
- RCRA-LQG: Con Edison – Vault 1535, 601 West 26th Street
- RCRA-NonGen: Hub Chevrolet, 200 Twelfth Avenue
- RCRA-NonGen: Waterfront Realty Corp., 224 Twelfth Avenue
- RCRA-NonGen: NYC Department of Sanitation, 640 West 26th Street
- RCRA-NonGen: Con Edison, 630 West 26th Street Vault 9040
- RCRA-NonGen: ConEdison, 630 West 26th Street Vault 1285
- RCRA-NonGen: ConEdison, 630 West 26th Street Vault 2889
- RCRA-NonGen: Con Edison Manhole 4802, 626 West 26th Street
- RCRA-NonGen: Con Edison Manhole: 4797, 626 West 26th Street
- RCRA-NonGen: Con Edison, 638 West 26th Street
- RCRA-SQG: NYCT Parking Lot, 220 Eleventh Avenue
- RCRA-LQG: Con Edison – Manhole M68051
- RCRA-NonGen: Con Edison Manhole: 33083, NW Corner of West 26th Street and Eleventh Avenue
- RCRA-NonGen: Con Edison Vault Submersible: 4000, 557 West 26th Street
- RCRA-NonGen: NYC HRA OFA, 260 Eleventh Avenue
- RCRA-NonGen: Con Edison MH45881, 27th Street at Eleventh Avenue
- RCRA-NonGen: Con Edison – Sewer, 27th Street at Eleventh Avenue

New York State/Local Database Listings

A review of the New York State database listings in the EDR database report indicates it is unlikely listings on the New York State Hazardous Waste Site (SHWS), New York Engineering Controls (NYEC), New York Institutional Controls (NYIC), Solid Waste Facility/Landfill (SWF/LF) and Registered Recycling Facility List (SWRCY) databases have a potential to impact subsurface environmental conditions at the Starrett-Lehigh Building based on the distance and location with respect to groundwater flow.

The following PBS-UST/PBS-AST database listings were identified adjacent to the Starrett-Lehigh Building:

- 271 Eleventh Avenue, located adjacent to the northeast. This facility is registered with one (1) closed-in-place 10,000-gallon No. 6 fuel oil AST, two (2) in-service 5,000-gallon No. 4 fuel oil ASTs, and one (1) in-service 10,000-gallon No. 4 fuel oil AST. There is no reported evidence that suggest this site is a significant environmental risk to the Starrett-Lehigh Building.
- Manhattan Motor Cars, 270 Eleventh Avenue, located adjacent to the northeast. This facility is registered with two (2) in-service 195-gallon waste oil ASTs. There is no reported evidence that suggest this site is a significant environmental risk to the Starrett-Lehigh Building.

- 260 Eleventh Avenue, located adjacent to the east. This facility is registered with one (1) removed 14,000-gallon No. 6 fuel oil AST, one (1) in-service 7,500-gallon No. 6 fuel oil AST and one (1) 20,000-gallon No. 6 fuel oil AST. There is no reported evidence that suggest this site is a significant environmental risk to the Starrett-Lehigh Building.
- DSNY MN Boro Repair Shop, 640 West 26th Street, located adjacent to the south. This facility is registered with two (2) in-service 1,000-gallon motor oil USTs, one (1) out-of-service 1,000-gallon hydraulic oil UST, one (1) in-service 1,000-gallon transmission fluid UST and three (3) in-service 1,000-gallon waste oil/used oil USTs. There is no reported evidence that suggests this site is a significant environmental risk to the Starrett-Lehigh Building. Furthermore, this facility is located hydraulically crossgradient/downgradient with respect to assumed groundwater flow.
- Transit Mix Concrete Corp., West 26th Street and Twelfth Avenue, located adjacent to the southwest. This facility is registered with two (2) 5,000-gallon fuel oil ASTs which were converted to non-regulated use. There is no reported evidence that suggests this site is a significant environmental risk to the Starrett-Lehigh Building.

The Chemical Bulk Storage (CBS) database contains a listing of facilities that store regulated hazardous substances in aboveground tanks with capacities of 185-gallons or greater, and/or in underground tanks of any size. The three CBS listings were each located hydraulically crossgradient/downgradient with respect to groundwater flow and are unlikely to impact subsurface environmental conditions at the Starrett-Lehigh Building.

A review of the sites identified in the EDR database report that are participating in the New York City Voluntary Cleanup Program (VCP), NYSDEC BCP and parcels that are (E) Designated for hazardous materials has not revealed significant off-site conditions adjacent to, or in the immediate vicinity of the Starrett-Lehigh Building that could adversely impact subsurface environmental conditions.

There were no active or upgradient petroleum spill incidents inclusive of the LTANKS and SPILLS databases identified in the EDR database report except for the following:

- NYSDEC Spill No. 14-10686, NYC Sanitation, 640 West 26th Street, located adjacent to the south-southwest. This spill incident is related to a tank test failure associated with a 1,000-gallon UST. The tank was reportedly emptied and is proposed for removal and replacement. No further information was provided. However, the spill incident is active with the NYSDEC. Given the crossgradient/downgradient location with respect to assumed groundwater flow, it is unlikely this spill incident has the potential to subsurface conditions at the Starrett-Lehigh Building.
- NYSDEC Spill No. 16-046785, Service Center, 281 Eleventh Avenue, located approximately 300 feet north. This spill incident is related to lead found in the soil. The lead hotspot was reportedly excavated but the spill incident is currently active. Given the nature of this spill incident (non-petroleum), it is unlikely this incident has a potential to adversely impact environmental subsurface conditions at the Starrett-Lehigh Building.
- NYSDEC Spill No. 18-05508, Commercial/Residential Split, 540 West 29th Street, located approximately 580 feet east-northeast. This spill incident is related to petroleum contamination discovered during a subsurface investigation at this site. The site entered into the NYSDEC Brownfield Cleanup Program (BCP) in 2019 and the spill incident will be remediated, accordingly, with regulatory oversight provided by the NYSDEC.

› NYSDEC Spill No. 17-02811, Parking Lot, 613 West 29th Street, located approximately 610 feet east-northeast. This spill incident is related to petroleum contamination discovered during a subsurface investigation at this site. This site entered into the NYSDEC BCP and remediation is ongoing with regulatory oversight provided by the NYSDEC. Groundwater flow at this site was confirmed to flow to the north-northwest, which represents a crossgradient location to the Starrett-Lehigh Building. As such, it is unlikely this spill incident has the potential to adversely impact subsurface environmental conditions at the Starrett-Lehigh Building.

There were no adjacent EDR Proprietary Database listings including Manufactured Gas Plants (MGP) or Historic Auto Repair Sites (HAS) except for the following:

› Martin's Auto Transmission, 560 West 28th Street, located adjacent to the northeast. This facility is listed on the HAS as an automotive transmission repair shop between 2000 and 2004. There is no evidence in the EDR database report that suggests this facility is a significant risk to the Starrett-Lehigh Building.

Phase I Environmental Site Assessment, Terminal Warehouse Building

The Phase I ESA for the Terminal Warehouse contained a summary of existing conditions and site history. According to the Phase I ESA, at the time of the assessment, the Terminal Warehouse Building was improved with a 7 and 9-story building with 203 units which, at the time of issuance, were occupied by commercial retail and office space tenants over a 3.09-acre parcel.

According to the Phase I ESA, the 1,217,894-sf building was constructed in 1891 and 1902. Sanborn fire insurance maps provided in the Phase I ESA established a history of the site dating back to 1890, at which time the existing Terminal Warehouse was improved on the site with an internal rail tunnel below the third floor. Throughout the history of the Terminal Warehouse, tenant spaces were historically utilized for the storage of groceries, furniture, paper, and other goods. Retail stores also occupied the building, as well as an ice plant and steam boilers.

The Phase I ESA did not identify any RECs at the Terminal Warehouse. One historic REC was identified, which is described further below. The following findings were identified:

› The Terminal Warehouse is situated at a topographic elevation that ranges from 10-to-20 feet amsl, with a topographic gradient that slopes gently downward to the west-southwest, toward the Hudson River.

› Depth to groundwater beneath the site is approximately 10-feet bgs. Groundwater flow beneath the site is assumed to travel west, toward the nearest surface water body (the Hudson River).

› The site reconnaissance did not identify the presence of USTs at the site. However, the following ASTs were identified:

  - Three (3) active 5,000-gallon #4 fuel oil vaulted ASTs.
  - One (1) removed 5,000-gallon #4 fuel oil AST.

  Based on the condition (vaulted), the ASTs were not considered a significant environmental concern with the potential to affect subsurface conditions at the site.

- No hydraulic equipment or transformers were identified with the potential to be equipped with PCB-containing dielectric or hydraulic fluids during the site reconnaissance.
- Working quantities of hazardous substances were identified during the site reconnaissance in various tenant spaces including rinse aid, sanitizers, detergents, household cleaning agents, water treatment chemicals for the cooling tower, adhesives, paint removers, sealants, flammable sprays and deodorizers. These materials were observed to be stored appropriately and were in good condition with no evidence of release.
- Solid waste generated from the Terminal Warehouse Building is carted off-site by M&M sanitation. No generation of hazardous waste was observed during the site reconnaissance.
- Floor drains, pits and sumps observed in the restaurant spaces, bathrooms and basement areas during the site reconnaissance reportedly discharge directly to the municipal sewer and therefore, do not provide a direct pathway to the subsurface.
- Sanitary wastes generated discharge to the New York City municipal sewer system.
- Stormwater generated flows overland (sidewalks) and discharges to curbside storm drains located along the adjacent roadways.
- Suspect and presumed ACM was observed within the building during the site reconnaissance that included basement pipe insulation and ceiling tiles throughout the building. Additional documentation regarding ACM in the building was provided in the Phase I ESA, which are further summarized as part of the previous investigations appended in the Phase I ESA.
- Given the age of the building (constructed in 1891 and 1902), there is a potential for LBP to be present.
- The Terminal Warehouse was listed on multiple regulatory agency database listings, which are summarized, below.
    - The site was listed on the leaking underground storage tanks (LTANKS) database for a release of #6 fuel oil that was attributed to an overfill of an AST. The release was contained to the concrete floor within the tank vault room. The spill was issued a determination of no further action by the NYSDEC on December 29, 1988. This was identified as a HREC in the Phase I ESA.
    - The site was listed for a release under the name 271 11th Avenue (NYSDEC Spill No. 90-01583) for a minor release of unspecified contents and quantity. The spill was issued a determination of no further action by the NYSDEC and was not considered a significant environmental concern with the potential to adversely affect subsurface conditions at the site.
    - The site was listed for a minor release of paint thinner (less than five gallons) under the name West 27th and 11th (NYSDEC Spill No. 00-08792). The spill was reportedly remediated and issued a determination of no further action by the NYSDEC and was not considered a significant environmental concern with the potential to adversely affect subsurface conditions at the site.
    - The site was listed on the RCRA-NonGen database under the name "Waterfront Realty Corp" for the generation of D-listed ignitable wastes. No violations were

reported for this listing. Given the status on the RCRA-NonGen database, the site was also listed on the facility and manifest (MANIFEST) and Facility Index System (FINDS) databases for the generation of hazardous waste.

The Phase I ESA summarized and appended several previous investigations that were incorporated into the findings. These documents are summarized, below.

› Phase I ESA, prepared by AEI, dated November 7, 2013.
  - There were no RECs identified for the Terminal Warehouse in the Phase I ESA prepared by AEI.
  - The AEI Phase I ESA indicates the site was developed with the current improvements in the late 1800s with the current warehouse/office building. Multiple warehouse and office tenants occupied the building. Rail lines appear to extend through the first floor of the building from 1890 to at least 1930 and were removed by 1950 and replaced with a subgrade rail tunnel. No releases were documented subsequent to the prior railroad tracks. It was determined the presence of railroad tracks on the first floor of the building was not considered a concern.
› Operations and Maintenance Program, dated May 2, 1995.
  - The Operations and Maintenance (O&M) plan identified ACM in horizontal steam risers within the boiler room. An additional *Waterfront Engineering Asbestos Report,* dated 1996 and prepared by Lee J. Parsons, identifies thermal pipe insulation, boiler jacket insulation and tank jacket insulation at the site. Various locations, quantities and other types of ACM is identified throughout the report.
› Various Asbestos Assessment Reports
  - Property Solutions was provided approximately 25 asbestos reports prepared by a NYCDEP-certified asbestos investigator dated from October 25, 2013 through April 25, 2016, which certified that certain portions of the building are free from asbestos. The scope of these reports was limited to areas of proposed renovation at the time. As such, these reports recommended surveying portions of the building prior to any renovations to assure any future work area is free of ACM.

Based upon the results of the 2018 Phase I ESA, there were no RECs identified for the Terminal Warehouse. The following HRECs were identified:

› The site was listed on the LTANKS database in association with NYSDEC Spill No. 87-10036 which was associated with a tank overfill release of #6 fuel oil in 1988. The spill was contained to the concrete in the AST vault room and was promptly remediated to the satisfaction of NYSDEC and was issued a determination of no further action on December 29, 1988. This spill incident was considered an HREC for the site.

In addition to the above, the following non-scope consideration was identified in the Phase I ESA for the Terminal Warehouse:

› Suspect and presumed ACM are present in the building. Observed suspect ACM included thermal pipe insulation, ceiling tiles, drywall and joint compound. Furthermore, supporting ACM assessments confirmed the presence of ACM in steam risers within the boiler room, boiler jacket insulation and thermal pipe insulation.

Summary of Asbestos-Containing Material for Terminal Warehouse

A summary of suspect building materials that were sampled and identified as ACM was prepared by Hillman that was prepared with the following reports:

- Comprehensive Asbestos Inspection, Lead-Containing Paint Screening, and Hazardous Materials Inspection Report, dated February 27, 2019.
  - Addendum #1, dated February 28, 2020
  - Addendum #2, dated March 27, 2020
  - Addendum #3, dated July 31, 2020

The summary reported quantified numerous instances of assumed and confirmed ACM within the Terminal Warehouse that would require proper O&M or abatement prior to any disturbance.

In addition to the above, the Comprehensive Asbestos Inspection, Lead-Containing Paint Screening and Hazardous Materials Inspection report indicated 631 instances of lead-containing paint, as defined by the Occupational Safety and Health Administration (OSHA).

Fluorescent light fixtures, compact fluorescent light bulbs, high intensity discharge (HID) lamps, thermometers, potential PCB-containing light ballasts, fire extinguishers, lead-acid batteries, refrigerants and other on-site chemicals were identified during the hazardous materials inspections. PCB window caulk samples collected during the inspection did not contain concentrations of PCBs that exceed USEPA regulatory limits of 50 parts per million (ppm).

No-Action Condition

As discussed in **Chapter 1, Project Description**, absent the Proposed Actions, the Starrett-Lehigh Building and Terminal Warehouse would continue to be tenanted with uses consistent with existing zoning.

Consistent with LPC approvals, the as-of-right Starrett-Lehigh Market project currently under construction at the Starrett-Lehigh Building will be complete in 2021. This project consists of the transformation of approximately 43,000 square feet of the building's ground floor into a market, containing a food hall and event and exposition space. Two new entrances will be provided on West 26th Street and on Eleventh Avenue, and new storefronts will be opened at the ground-floor on the Eleventh Avenue frontage. Any potential soil disturbance or soil generating activities associated with a future as-of-right use at the Starrett-Lehigh building would be conducted in accordance with applicable regulations, including proper characterization, transport and off-site disposal in accordance with NYSDEC and the designated disposal facility requirements.

Also consistent with LPC approvals, Terminal Warehouse will convert approximately 500,000 square feet of storage into new office space and reposition the ground floor to include food and beverage retail uses permitted under current zoning. As part of this full-building repositioning, approximately 200,000 square feet is being carved out of the building to create a double height space and a courtyard and added back as a rooftop addition on the western portion of the building. In addition, the owner is introducing interior loading and undertaking a restoration of the building—including façade repairs, window replacement, cornice repairs, fire escape removal, and reintroduction of historic details, such as window shutters.

In connection with the as-of-right Terminal Warehouse repositioning, general excavation between 5 and 10 feet below cellar grade (bcg) will be undertaken within the western portions of the building basement, with some deeper pit excavations across the total building footprint and sidewalk areas for the installation of structural, as well as utility improvements including a ConEd vault to be located in the adjoining sidewalk along West 28th Street. Soil generation will be properly characterized in accordance with NYSDEC regulatory requirements, as well as the permit requirements of the designated disposal facility. Soil generated will be transported by a permitted waste hauler under appropriate bill of lading/waste manifest protocols. Dewatering required as part of the excavation and conversion activities will be conducted in conformance with applicable NYCDEP discharge requirements to the sanitary or combined sewer.

In addition to the above, regulatory requirements pertaining to building materials containing ACM, LBP and PCBs will be addressed under prevailing regulations as part of standard demolition and redevelopment practices.

With-Action Condition

The Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. This more diverse mix of uses includes additional types of retail use as well as certain community facility uses, but no sleeping accommodations. Any construction needed at the building would be interior construction to fit out tenant space—typical of any building that changes tenants.

The Proposed Actions would eliminate any required loading berths associated with changes of use of any floor area, and no construction related to loading berths would occur at either building in the With-Action condition. The Proposed Actions would also allow certain modifications to the M2 signage regulations regarding height and angle at the corners of Eleventh Avenue and West 26th, West 27th, and West 28th Streets.

Under the With-Action condition, there would be no ground disturbance at either the Starrett-Lehigh Building or Terminal Warehouse. As such, there would be no significant adverse hazardous materials impacts. Any interior renovations that would occur within the buildings to accommodate new tenants would, as in existing conditions, comply with applicable federal, state, and local, including Department of Buildings, requirements for abatement of asbestos, lead-based paints, or other potential hazards, should any be present in the area of interior renovation.

As a conservative measure due to the potential for community facility use at the sites, the NYCDEP requested that an E Designation be placed on the sites. The applicable text for the (E) Designation (E-625) to be applied to Block 672, Lot 1 and Block 673, Lot 1 would be as follows:

Block 672, Lot 1 and Block 673, Lot 1

Task 1: Sampling Protocol for Subsurface Disturbance

Prior to applying for or accepting a building or other permit which permits soil disturbance in connection with the inclusion of community facility use at the site, the applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the area of proposed disturbance, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Sampling Protocol for Change of Use

Prior to applying for or accepting a temporary or permanent Certificate of Occupancy that reflects a change in use group to community facility use and where no ground disturbance is required, applicant consults with OER regarding the necessity for a soil vapor intrusion investigation.

If OER determines that no soil vapor intrusion investigation is necessary, written notice shall be given by OER.

If OER determines a requirement to test, the applicant submits to OER, for review and approval, a soil vapor investigation work plan, including a description of methods and a site map with all sampling locations clearly and precisely represented. No sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the area of study. The characterization of potential soil vapor intrusion should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples would be subject to consultation with OER.

Task 3: Remediation Determination and Protocol

In such instance where Task 1 or Task 2 is applicable, a written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed Remedial Action Work Plan (RAWP) must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

An OER-approved construction-related Health and Safety Plan (CHASP) would be implemented during excavation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or soil vapor. This plan would be submitted to OER for review and approval prior to implementation.

Based upon the above, the Proposed Actions would not result in significant adverse impacts relating to hazardous materials.