



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

February 14, 2019

Mr. Daniel Rad
Radson Development/MLK Plaza LLC
77 Cuttermill Road
Great Neck, NY 11021

Re: Notice of Completion
869 East 147th Street, Bronx, NY
OER Site Number: 17CVCP034X

Dear Mr. Rad:

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above-referenced site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. NYSDEC was briefed on this project in October 2016. NYCDOHMH approved the remedy on July 5, 2017. Please find the Notice of Completion attached, the issuance date of which is February 14, 2019. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla
Deputy Director



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NOTICE OF COMPLETION

Notice Holder(s): Mr. Daniel Rad
Radson Development/MLK Plaza LLC
77 Cuttermill Road
Great Neck, NY 11021

Site Information: Site Name: MLK Plaza
Site Owner: MLK Plaza
Street Address: 869 East 147th Street, Bronx, NY
Block 2600, Lot 187 (formerly Lots 187, 222, 220, 213)
OER Site Number: 17CVCP034X

Project Description: The Site previously consisted of a residential buildings, parking lots and garages. Redevelopment of the Site consisted of the construction of a new 12-story residential building with a partial cellar. Approximately 11,680 tons of soil was excavated and disposed of off-site. Track 2 Restricted Residential soil cleanup was achieved and included installation of an engineered composite cover and vapor barrier as part of construction. The remedy included installation and operation of an Active Sub-Slab Depressurization System, which will be inspected and certified under a Site Management Plan.

**Date of Voluntary
Cleanup Agreement:** January 24, 2017

Notice Issuance

This Notice of Completion, hereinafter referred to as the “Notice,” is issued pursuant to Chapter 9 of Title 24 of the Administrative Code of the City of New York.

This Notice has been issued upon satisfaction of the Director, following review by the Office of the Remedial Action Report and data submitted pursuant to the Voluntary Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth at Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the Remedial Action Work Plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

Unrestricted Use (Track 1)

Restricted Use (Track 2):

(Track 2 SCOs were achieved for soil, however an overall Track 4 remedy was achieved as Engineering Controls are required)

Residential
 Restricted Residential
 Commercial

Liability Limitation

Upon issuance of this Notice of Completion, and subject to the terms and conditions set forth herein, the Notice holder(s) shall be entitled to the liability limitation provided in Section 906 of Title 24 of the administrative code of the City of New York. The liability limitation shall run with the land, extending to the Notice holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in Section 906 of Title 24 of the administrative code of the City of New York, and any other applicable provision of law.

In accordance with a Memorandum of Agreement between the New York State Department of Environmental Conservation and the New York City Mayor's Office of Environmental Remediation dated July 10, 2012, New York State Department of Environmental Conservation agrees that this site is of no further interest, and it does not plan or anticipate taking administrative or judicial action with regard to the property.

Notice of Transferability

This Notice may be transferred to the Notice holder's successors or assigns upon transfer or sale of the Site as provided by section 906(c) of the administrative code of the City of New York.

Notice Modification/Revocation

This Notice of Completion may be modified or revoked by the Director following notice in accordance with Section 43-1408(f) of the Rules of the City of New York upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the City Voluntary Cleanup Agreement;
- (2) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Voluntary Site Cleanup Agreement were reached; or
- (3) there is good cause for such modification or revocation.

The Notice holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency isn't cured or a request for a hearing received within such 30-day period, the Notice shall be deemed modified or vacated on the 31st day after the Office notice.

Sincerely,



Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: February 14, 2019
Site No.: 17CVCP034X