

Spill Case Closure

New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau "C", 11th Floor
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September 5, 2003

LETTER FAXED

Mr. Greg Lowe
Vice President
FC Gowanus
Forest City Ratner Companies
1 Metro Tech Center North
Brooklyn, New York 11201

Re: Spill Case Closure for Spill #'s 9214380, 9704147, 0107907
Former Manufactured Gas Plant (MGP)
124-136 Second Avenue, Brooklyn, New York
USPS Gowanus Site
Site No.: V00405-2
Volunteer: FC Gowanus Associates, LLC

Dear Mr. Lowe:

The New York State Department of Environmental Conservation (DEC) has revised the Spills Data Base to acknowledge the closure of Spill Case numbers 9214380, 9704147 and 0107907. These three Spill Case files were closed based on information gained through investigations, ongoing remedial action and development at the former MGP site. The future site activity is restricted to commercial use with stipulations prohibiting the use of ground water and excavations four feet below grade without prior DEC notification. The Operation, Maintenance and Monitoring Plan (OM&M) includes a long term Free Product Collection Well System and a Underslab Venting System for the commercial structure currently under construction.

Based upon the submissions from your consultant, no further action is required by the Department in this matter. Notwithstanding this determination, the Department hereby reserves all of its rights concerning, and such forbearance shall not extend to, any further investigation or remedial action the Department deems necessary:

- I. Due to the off-site migration of petroleum contaminants that was not identified at the time of the spill investigation.
- II. Due to environmental conditions related to the Site which were unknown to the Department at the time of this investigation.

- III. Due to information received, in whole or part, after the Department's determination for no further action in this matter, which indicates that inactivation decision and/or corrective action is not sufficiently protective of human health for the reasonably anticipated use of the site.
- IV. Due to fraud in obtaining this approval for inactivation.

Enclosed is a copy of our database files, reflecting the closure of this spill report. Please be advised that you should maintain a permanent file of all documentation and correspondence regarding this release for future property transactions, refinancing, etc. The Department's files regarding this release may not be maintained indefinitely.

The following documents were instrumental in the decisions to close the aforementioned cases:

- Detached Mail Unit (DMU) Subsurface Investigation Results and Recommendations (11/27/02) prepared by Roux Associates.
- DMU Subsurface Remediation Results and Evaluation (2/24/03) prepared by Roux Associates
- Gowanus, Site No. V00405-2, Final Completion Report (3/18/03) prepared by Roux Associates.
- Gowanus, Site No. V00405-2, Operation, Maintenance and Monitoring Plan (revised 8/13/03) prepared by Roux Associates.
- Declaration of Restrictions (executed 7/1/03) First Amendment to Declaration of Restrictions (executed 7/31/03).

These documents are on file with the DEC and are available for public review under the Freedom of Information Law (FOIL).

If you have any questions please contact me at (518) 402-9669.

Sincerely,



Anthony Karwiel
Project Manager
Remedial Bureau "C"

cc: W. Fisher
R. Austin
D. Hetrick
C. Parish, USPS