



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841  
Fax: (212) 788-2941

May 28, 2014

Mr. Roy Baker  
Brooklyn LW Hotel Associates, L.P  
8100 E 22<sup>nd</sup> Street North Building 500  
Wichita, KS 67226

Re: Notice of Completion  
125 Flatbush Avenue Extension  
Brooklyn, NY 11201  
OER Site Number: 13CVCP090K

Dear Mr. Baker,

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Enclosed please find one original Notice of Completion, the issuance date of which is May 28, 2014.

If you have any questions regarding this, please contact Ms. Sarah Pong at 212.442.8342.

Sincerely,

Shaminder Chawla  
Deputy Director

Cc:  
Dan Walsh  
Sarah Pong  
Bob Wolff



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**NOTICE OF COMPLETION**

**Notice Holder(s):** Mr. Roy Baker  
Brooklyn LW Hotel Associates, L.P  
8100 E 22<sup>nd</sup> Street North Building 500  
Wichita, KS 67226

**Site Information:** Site Name: 125 Flatbush Avenue Extension (Hampton Inn – Brooklyn)  
Site Owner: Brooklyn LW Hotel Associates, L.P  
Street Address: 125 Flatbush Avenue Extension, Brooklyn, NY 11201  
Block: 133, Lot: 13  
OER Site Number: 13CVCP090K

**Site Description:** The Site was previously occupied by a vacant four-story brick building. Redevelopment of the Site consisted of the demolition of the four-story structure and the construction of a 13-story hotel with a cellar, with first floor restaurant. The building covers the entire Site. Approximately 4,500 tons of soil was excavated and disposed of off-site. Remediation of this site includes installation of an engineered Composite Cover System and a vapor barrier as part of development. An active Sub-Slab Depressurization System was installed and will be inspected and certified under an Interim Site Management Plan.

**Date of Voluntary  
Cleanup Agreement:** March 19, 2013

**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, data submitted pursuant to the Voluntary Cleanup Agreement, and other relevant information regarding the Site, that the remediation requirements set forth Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved Track 1 Unrestricted Use soil cleanup objectives, but not Track 1 remedy due to operation of an active Sub Slab Depressurization System (SSDS). The remedy for this Site would be consistent with the following categories of uses:

- Unrestricted Use (Track 1)
- Restricted Use (Track 2): *[If restricted use, check one of following]*
  - Residential
  - Restricted Residential
  - Commercial
  - Industrial

An active SSDS was installed and will be operated for the initial period of five years. During this period, monitoring will be performed on the soil vapor concentrations in the SSDS to determine if the system can be converted to passive system operation. The SSDS will be inspected and certified under an interim Site Management Plan (included in Remedial Action Report). If, within 5 years, a basis for conversion from active management to passive management of the SSDS is established, this remedial action will be converted from a Track 2 remedial action to an Unrestricted Use (Track 1) remedial action.

### **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 (NYSDEC) and the New York City Mayor's Office of Environmental Remediation dated July 10, 2012, NYSDEC 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 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director,  
New York City Office of Environmental Remediation

Cc:  
Dan Walsh  
Sarah Pong  
Mark McIntyre  
Hannah Moore  
Date of Issuance: May 28, 2014  
Site No.: 13CVCP090K