

Tres Puentes and Borinquen Court
271 - 295 East 138th Street and 2550 Third Avenue
BRONX, NEW YORK

Periodic Review Report

NYSDEC Site Number: C203056

AKRF Project Number: 210347

Prepared for:

Tres Puentes L.P., East One Eighth HDFC, Inc., and Borinquen Court Associates, L.P.
2345 Broadway
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Prepared by:



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JUNE 2023

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P.E. CERTIFICATION

I, Michelle Lapin, am currently a registered professional engineer licensed by the State of New York. I had primary direct responsibility for implementation of the existing Site Management Plan protocols, and I certify that the documentation of site management activities is accurately presented in this Periodic Review Report pertaining to the Tres Puentes and Borinquen Court site located at 271 - 295 East 138th Street and 2550 Third Avenue, Bronx, New York (Tax Block 2314, Lots 1, 10 and 15) (hereinafter referred to as the "Site"). The Site has been managed under New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program Site No. C203056.

For each institutional or engineering control identified for the Site, I certify that all of the following statements are true:

- a) The institutional and engineering controls employed at this Site are unchanged from the date the controls were put in place, or last approved by the NYSDEC Division of Environmental Remediation (DER), with the exceptions cited in this Periodic Review Report;
- b) Nothing has occurred that would impair the ability of such control to protect public health and the environment;
- c) Nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control; and
- d) Access to the Site will continue to be provided to DER to evaluate the remedy, including access to evaluate the continued maintenance of this control.



NYS P.E. License #073934-1

6/16/2023

Date

EXECUTIVE SUMMARY

This Periodic Review Report (PRR) was prepared on behalf of East One Thirty Eighth HDfC, Inc., Borinquen Court Associates, L.P., and Tres Puentes L.P. (collectively, the “Volunteers”) as an element of the remedial program at the Tres Puentes and Borinquen Court site located at 271 - 295 East 138th Street and 2550 Third Avenue, Bronx, New York (Tax Block 2314, Lots 1, 10 and 15) (hereinafter referred to as the “Site”) under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index #C203056-05-11, Site #C203056, executed on June 28, 2011, and amended on September 7, 2011 and December 10, 2013. A Site Location map is provided as Figure 1.

As reported to NYSDEC and the New York State Department of Health (NYSDOH) in a Final Engineering Report (FER) dated December 2013 by Environmental Resources Management (ERM), remedial activities at the Site have included: soil removal between October 2012 and January 2013, in-situ chemical oxidation (ISCO) treatment of contaminated groundwater in April 2013, installation and sampling of groundwater monitor wells, and the installation of a demarcation layer prior to importation of clean fill and installation of a new access driveway to complete the site cover system. The Certificate of Completion (COC) documenting successful completion of these remedial activities was issued to the Volunteers in December 2013. The purpose of this PRR is to document the site management activities associated with the Site’s Engineering and Institutional Controls and to certify that the controls have been implemented in accordance with the Site Management Plan (SMP) and the previous PRR submitted in July 2020.

In summary, the remedy remains effective and protective of human health and the environment with continued implementation of the SMP. Periodic inspections and three annual site-wide and composite cover inspections were performed as required to monitor and confirm the proper controls remained in place. Investigations performed in early 2016 (previously reported to NYSDEC/NYSDOH) were incorporated into plans and were used during continuation of superstructure construction of two new buildings at the Site (within the Environmental Easement boundary). Construction was completed as of October 14, 2019, and details encompassing and summarizing the work reported in PRRs from 2015 to 2020 were reported in the Construction Completion Report (CCR) submitted in November 2020.

A revised SMP (Revision No. 1) was submitted to NYSDEC in February 2020, which documented the completion of construction of the new East and West Buildings and revised the frequency of Periodic Review Reporting to once every three years. NYSDEC approved the February 2020 Revised SMP on March 16, 2021. A copy of the revised SMP approval letter is included as Appendix A. As documented and certified herein, the Volunteers were fully compliant with the SMP and approved modifications for the reporting period from May 20, 2020 to May 20, 2023. The status of each of the completed remedial program elements are summarized below.

Site Cover System

SMP requirements pertaining to the site cover system inspected or monitored by AKRF included:

- Completion of three annual Site-Wide Inspections in November 2021, August 2022, and May 2023 in accordance with the SMP.

During the annual site-wide inspections on November 11, 2021, August 31, 2022, and May 2, 2023, the existing and newly constructed areas of the site cover system were determined to be maintained in good condition and were preventing contact with underlying soil and groundwater. Minor cracking of the first floor concrete slab was observed in a utility room within the Borinquen Court building during the August 31, 2021 site-wide inspection. The minor cracking was observed to be superficial and not of substantial

concern due to the size and location of the observation. Building staff repaired the minor cracking with concrete patching. AKRF observed no other issues during the inspections, thereby confirming that the site cover system for Borinquen Court and the East and West Buildings (collectively Tres Puentes) remained intact during this reporting period.

The purpose of this PRR is to document the site management activities associated with the Site's Engineering and Institutional Controls and certify that the controls have been implemented in accordance with the SMP.

1.0 INTRODUCTION

This Periodic Review Report (PRR) was prepared for the Tres Puentes and Borinquen Court site located at 271 - 295 East 138th Street and 2550 Third Avenue, Bronx, New York (Tax Block 2314, Lots 1, 10 and 15) in the Mott Haven neighborhood of the Bronx, County of Bronx, New York. Borinquen Court, with new West and East Buildings, will be referred to in sum as “Tres Puentes,” which will be hereinafter referred to as the “Site.” The Site was successfully remediated in accordance with Brownfield Cleanup Agreement (BCA) Index #C203056-05-11, Site #C203056, executed on June 28, 2011, and amended on September 7, 2011 and December 10, 2013. The Site comprises an approximately 1.8-acre property, currently occupied by an approximately 137,800-square foot multistory residential building in the central portion of the Site, surrounded by landscaping, walkways, and an associated asphalt-paved parking area to the east (facility currently known as Borinquen Court), an approximately 110,682-square foot multistory residential building in the western portion of the Site, surrounded by landscaping and walkways, and an approximately 52,345-square foot multistory residential building in the eastern portion of the Site, surrounded by landscaping and walkways (facilities currently known as Tres Puentes West and East). The Site is abutted to the west by Third Avenue, to the east by the New York City Police Department’s 40th Precinct, East 139th Street to the north, followed by various multistory residences and one manufacturing building, and the Metropolitan Transportation Authority (MTA) No. 6 train south-adjacent to the Site along East 138th Street, with a station entrance near the corner of 138th Street and Third Avenue. A New York City Housing Authority complex is located across East 138th Street to the south. Nearby properties consist of predominantly residences and industrial, commercial, and automotive repair facilities.

On August 13, 2015, the Site was rezoned through the New York City Uniform Land Use Review Procedure (ULURP) from an R6 (residential), to an R7-2 (residential) with a C1-4 and C2-4 (commercial) overlay. The Site address was recently updated to 271 – 295 East 138th Street and 2550 Third Avenue” the by the New York City Department of Buildings to incorporate the new East Building. A Site location map is provided as Figure 1.

Activities reported herein have been performed on behalf of East One Thirty Eighth HDPC, Inc., Borinquen Court Associates, L.P., and Tres Puentes L.P. (collectively, the “Volunteers”), who own the property. Since 1981, the Site has been occupied by a residential dwelling named *Borinquen Court Housing for the Elderly and Handicapped Complex*. The use of this Site has not changed since 1981, as documented in numerous submittals to New York State Department of Environmental Conservation (NYSDEC). The Site has remained occupied by a residential dwelling named *Borinquen Court Housing for the Elderly and Handicapped Complex* throughout the entirety of this reporting period and also continued to be occupied by the new West and East residential dwellings named *Tres Puentes* during this reporting period. The first floor commercial spaces of the *Tres Puentes West* building remained occupied during this reporting period.

Remedial investigations (RIs) performed from March 2012 to April 2013 by Environmental Resources Management (ERM), determined that soil, soil vapor, groundwater, and indoor air in portions of the Site were contaminated with polyaromatic hydrocarbons (PAHs), metals, and/or petroleum-related volatile organic compounds (VOCs). Remedial activities, including shallow soil removal, closure and removal of a 500-gallon underground storage tank (UST), in-situ treatment of residual groundwater contamination to treat remaining soil, soil vapor, and groundwater contamination, vapor monitoring, publication of a Site Management Plan (SMP), and recording of an Environmental Easement were performed between 2012 and 2013. A Final Engineering Report (FER) detailing Site remedial activities was submitted by ERM in December 2013 to, and approved by, the NYSDEC in coordination with the New York State Department of Health (NYSDOH), which resulted in the issuance of a Certificate of Completion (COC) in December 2013 under the state’s Brownfield Cleanup Program (BCP).

Ongoing Site management activities have continued to be performed in accordance with the NYSDEC-approved February 2020 Revised SMP and subsequent PRRs. The SMP provides detailed descriptions of all procedures required to manage known and potential residual contamination at the Site. Activities conducted at the Site during this reporting period were completed in accordance with the approved revised February 2020 SMP, supporting work plans, the NYSDEC-approved 2020 PRR, and ongoing correspondence with NYSDEC.

The purpose of this PRR is to document the site management activities associated with the Site's Engineering and Institutional Controls, certify that the controls have been implemented in accordance with the SMP. In accordance with the February 2020 SMP revision, this PRR documents the results of three annual inspections performed in November 2021, August 2022, and May 2023. The reporting period on the IC/EC Certification form is from May 20, 2020 to May 20, 2023

2.0 SITE MANAGEMENT REQUIREMENTS

2.1 Introduction

For additional details related to the nature and extent of contamination, the remedial cleanup, or recent investigations performed to support new construction, please refer to the appropriate sections of the FER, SMP, or previously submitted PRRs. The site management requirements for evaluating the performance and effectiveness of the remedy at the Site, the site cover system, and all affected Site media are summarized in Table T1 (referenced from the SMP) with an acknowledgement of what was completed this reporting period.

Table T1
Monitoring/Inspection Requirement Summary

Monitoring Program	Frequency*	Matrix	Analysis	Completed this Period?
Construction Oversight and Sampling Under Excavation Work Plan	Daily during active work	Cover System Integrity, Particulates, Subsurface Soil	Construction Health and Safety Plan/Community Air Monitoring Plan, TCL SVOCs by EPA Method 8270, PP Metals by EPA Method 6010C and pesticides by EPA Method 8081B	No
Composite Cover System	Annually	Cover System Integrity	Visual Inspection of Conditions	Yes
Site-Wide Inspections (ICs)	Annually	Cover System Integrity	Visual Inspection of Conditions	Yes

Notes: *The frequency of events was conducted as specified in the NYSDEC-approved revised SMP and/or NYSDEC-approved July 2020 PRR and the updated SMP requirements approved by NYSDEC on March 16, 2021 and/or as agreed upon in written correspondence by NYSDEC during work completed this reporting period.

COC – Certificate of Completion; SVOCs – Semivolatile Organic Compounds; ICs – Institutional Controls

2.2 Monitoring Requirements

2.2.1 Construction Oversight Requirements

No intrusive Site activities or Site cover disturbances were performed during the May 2020 through May 2023 reporting period; therefore, construction oversight was not required.

2.2.2 Cover System Requirements

Exposure to residual contaminated soil remaining at the Site is prevented by the existing building slab of Borinquen Court, hardscape features adjacent to Borinquen Court (brick pavers, asphalt pavement, and concrete sidewalks), and associated landscaping constructed with a minimum of two feet of clean soil. As documented in the revised February 2020 SMP and November 2020 CCR, the cover system in the new East and West Buildings consists of the building slab underlain by a vapor barrier and associated landscaping constructed with a minimum of two feet of clean soil. AKRF observed minor cracking of the concrete slab along the wall of a utility room during the 2022 annual inspection. Additional concrete patching was installed along the observed cracks following the inspection in 2022. AKRF observed no other issues during the inspection, thereby confirming that the concrete cover system for Borinquen Court and the East and West Buildings of the Site cover system was not altered during this reporting period.

The final Site cover system consists of: asphaltic and concrete pavement on walkways, roads, and a parking lot; exterior landscaped areas capped with clean soil; and concrete building slabs covering the entire Site footprint. The top six inches of the final soil cover is of sufficient quality to support vegetation. All slabs and pavements are at least six inches thick. The features of the site cover system outside new construction areas continued to remain intact 24 hours a day, 7 days a week, for 365 days a year.

Disturbance or material changes of the site cover system not planned or performed in accordance with NYSDEC/NYSDOH approval are prohibited by the Environmental Easement established at the Site. As outlined in plans provided to and approved by NYSDEC/NYSDOH prior to the start of new building construction, continuous construction oversight including implementation of the Excavation Work Plan (EWP), Community Air Monitoring Plan (CAMP), and Health and Safety Plan (HASP), is required during all active work disturbing or restoring the site cover system; however, disturbance of the site cover system did not occur during this reporting period. Monitoring of the site cover system occurred during construction activities, and will continue to be maintained on an annual basis as long as the Environmental Easement is in effect to ensure the system's integrity. Site-wide inspections are also performed after severe weather conditions that may affect Engineering Controls or monitoring devices. Results of the annual composite site cover system inspections are summarized in Section 3 of this PRR. Monthly reports were not required by NYSDEC during periods of active construction.

2.3 Reporting Requirements

The Site management reporting requirements for evaluating the performance and effectiveness of the remedy at the Site, the site cover system, and all affected Site media are summarized in Table T2 (referenced from the February 2020 Revised SMP and updated based on ongoing coordination and approvals from NYSDEC/NYSDOH) with an indication of what was completed during this reporting period.

Table T2
Monitoring/Inspection Reporting Summary

Task	Reporting Frequency*	Completed this Period?
Daily Reports of New Construction	Daily during active work	No
Email Submissions/Letter Reports with Attachments (Construction Submittals and/or Confirmatory Sampling Events)	As Performed	No
Periodic Review Report	Once every three years until termination of Environmental Easement	Yes

Notes: *The frequency of events was conducted as specified in the NYSDEC-approved revised SMP and/or NYSDEC-approved July 2020 PRR and the updated SMP requirements approved by NYSDEC on March 16, 2021 and/or as agreed upon in written correspondence by NYSDEC during work completed this reporting period.

3.0 SITE MANAGEMENT MONITORING AND INSPECTION RESULTS

The site management and monitoring inspections completed during this reporting period are summarized in the following sections, with associated data appended.

3.1 Health and Safety/Community Air Monitoring

Community air monitoring was not performed during this reporting period, as there was no on-site soil disturbance activities.

3.2 Imported Screened Fill & Topsoil

No screened fill or topsoil was imported to Site during this reporting period.

3.3 Imported Clean Stone

No clean stone was imported to the Site during this reporting period.

3.4 Site Wide Inspection Form

AKRF performed three annual inspections during the reporting period. AKRF inspected the Site cover on November 11, 2021, August 31, 2022, and May 2, 2023. The inspections consisted of observing the interior portions of the Borinquen Court, new Tres Puentes West Building and new Tres Puentes East Building and exterior portions of the Site including the north and south courtyards of the new Tres Puentes West Building, the rear courtyard of the Borinquen Court building, and the north courtyard of the new Tres Puentes East Building.

AKRF completed the interior inspections with attention to the first floor and basement for holes, significant cracking and/or signs of damage for Borinquen Court, new Tres Puentes West Building and new Tres Puentes East Building. During each annual inspection, the cover was found to be intact, with no signs of significant cracking or damage except for the minor cracking observed in August 2021. Minor cracking of the first floor concrete slab was observed in a utility room within the Borinquen Court building during the August 31, 2021 site-wide inspection. The minor cracking was observed to be superficial and not of substantial concern due to the size and location of the observation. Building staff repaired the minor cracking with concrete patching immediately following completion of inspection. AKRF received photographs from the building

staff documenting to the concrete patch repair. No other corrective actions were recommended following the completion of the inspections.

No evidence of permanent Site cover alterations were observed during the inspections performed during the reporting period, as documented on the Site-Wide Inspection Forms provided in Appendix B. The 2023 site cover system plan and location of cover system types are depicted on Figure 2.

4.0 SITE MANAGEMENT SCHEDULE

4.1 Monitoring and Inspections

The site management requirements planned for future evaluation of the performance and effectiveness of the remedy at the Site is outlined in Table T3. These monitoring and inspection events will be completed in accordance with the February 2020 Revised SMP, approved by NYSDEC on March 16, 2021. Activities planned to be performed during the 2023-2026 reporting period are outlined in Table T3, below.

Table T3
Future Monitoring and Inspection Plan

Monitoring Program	Next Scheduled Event	Frequency*	Matrix	Analysis
Construction Monitoring	N/A as construction has been completed	Daily, during all soil intrusive or remedy restoring activities	Soil, Groundwater, Cover System Integrity	Community Air Monitoring, Visual Inspection of Conditions
Site Cover System	May 2024	Annually for Certification	Cover System Integrity	Visual Inspection of Conditions

Notes: *The frequency of events will be conducted as specified in the SMP and/or as agreed upon by NYSDEC and NYSDOH following submittal and approval of this June 2023 PRR.

4.2 SMP Monitoring Plan

The SMP was revised in February 2020 (Revision No. 1) to document the cover systems installed at the new East and West Buildings and to revise the frequency of Periodic Review Reporting to once every three years. NYSDEC approved the February 2020 Revised SMP on March 16, 2021. Site-wide cover system inspections will continue to be performed annually and reporting will occur to NYSDEC once every three years in accordance with the PRR schedule or in an event where the site cover system is accidentally or intentionally disturbed.

5.0 IC/EC CERTIFICATION

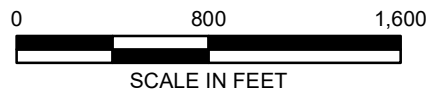
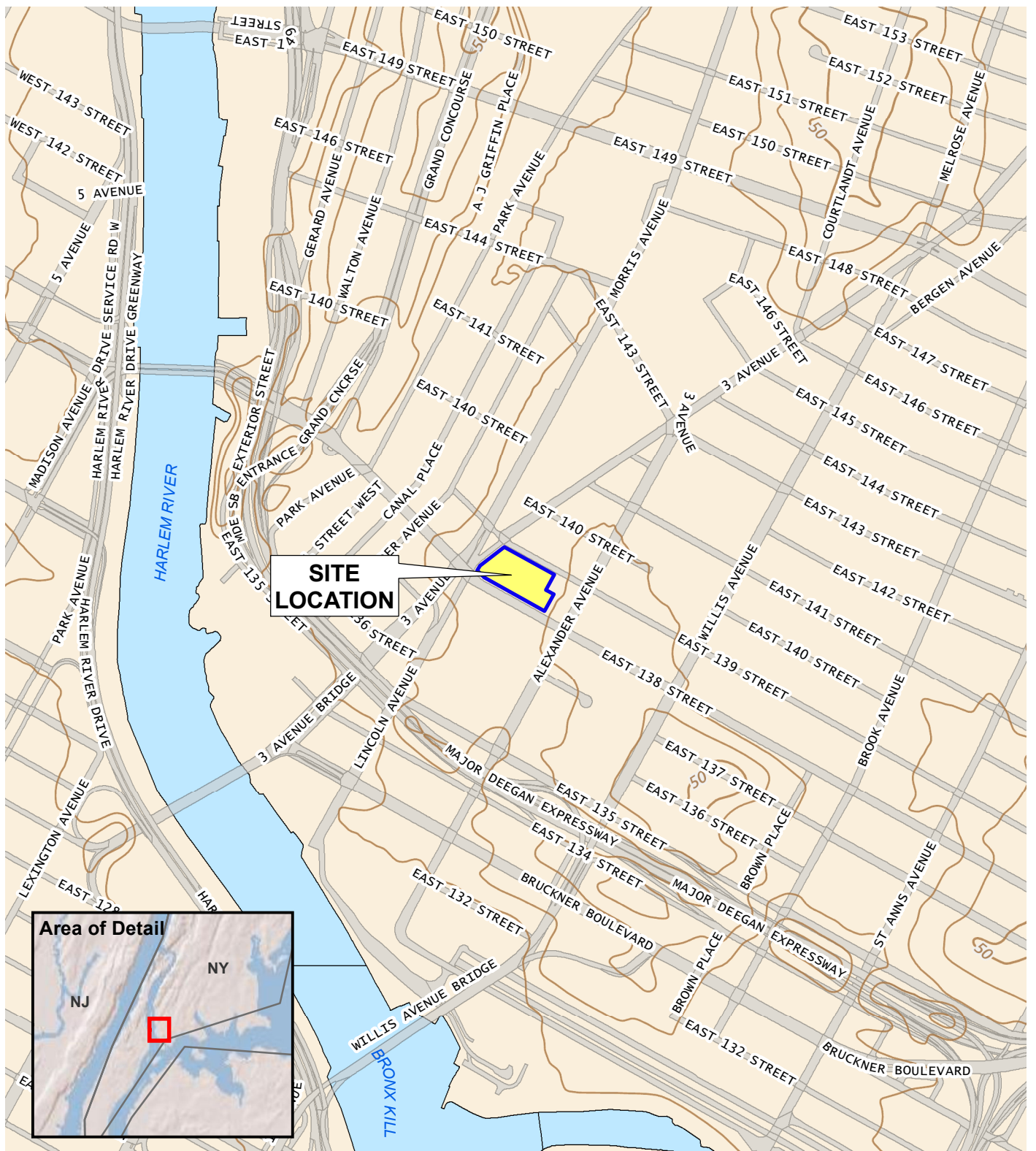
A Site-wide inspection was conducted on November 11, 2021, August 31, 2022, and May 2, 2023 as specified in the SMP, to ensure that all aspects of the remedy were in-place and effective. Copies of the Site-Wide Inspection forms are included as Appendix B, with a photographic log provided as Appendix C. Based on the Site-wide inspection and the data evaluation summarized in this report, the following certification is made for the Site, as documented in the IC-EC Certification form provided in Appendix D.

For each institutional or engineering control identified for the Site, the professional engineer (P.E.) certification found at the beginning of this PRR, along with all supporting documentation have confirmed that all of the following statements are true for the Site:

- a) The institutional and engineering controls employed at this Site are unchanged from the date the controls were put in place, or last approved by the NYSDEC Division of Environmental Remediation (DER), with the exceptions cited in this Periodic Review Report;
- b) Nothing has occurred that would impair the ability of such control to protect public health and the environment;
- c) Nothing has occurred the would constitute a violation or failure to comply with any Site Management Plan for this control; and
- d) Access to the Site will continue to be provided to DER to evaluate the remedy, including access to evaluate the continued maintenance of this control.

FIGURES

© 2020 AKRF. W:\Projects\12358 - Tres Puentes\Technical\GIS and Graphics\hazmat\12358 Fig 1 site loc map.mxd 1/16/2020 2:33:07 PM mvelleux



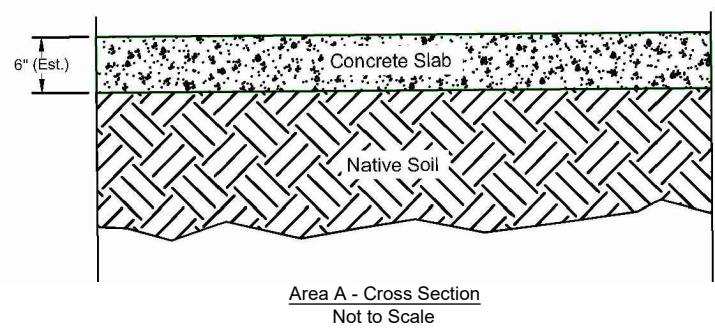
440 Park Avenue South, New York, NY 10016

Tres Puentes
271-295 East 138th Street and 2550 3rd Avenue
Bronx, New York

SITE LOCATION PLAN

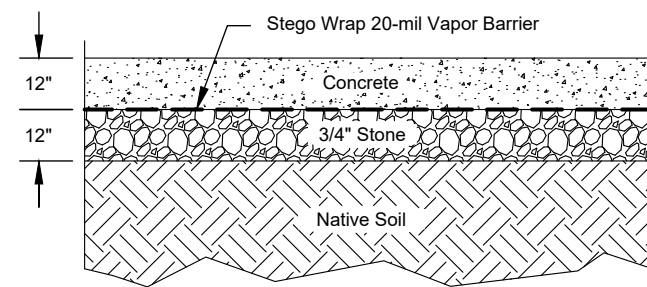
DATE
6/15/2023
PROJECT NO.
210347
FIGURE
1

©2020 AKRF, Inc. W:\Projects\12358 - TRES PUENTES\Technical\Hazard\SWPPR\Line 2020\CAD\12358 Fig 4 2020 Site Cover System and Sections.dwg
last save: mvelieu, 7/15/2020 5:53 PM



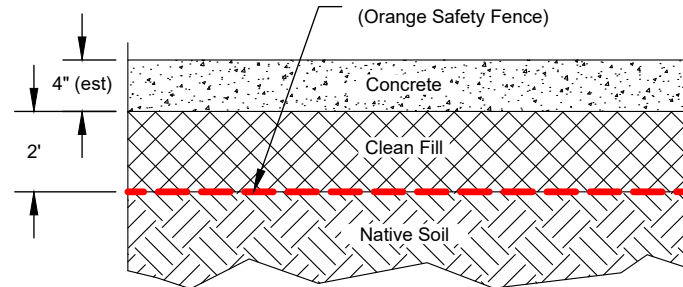
Area A - Cross Section
Not to Scale

BORINQUEN COURT BUILDING SLAB COVER



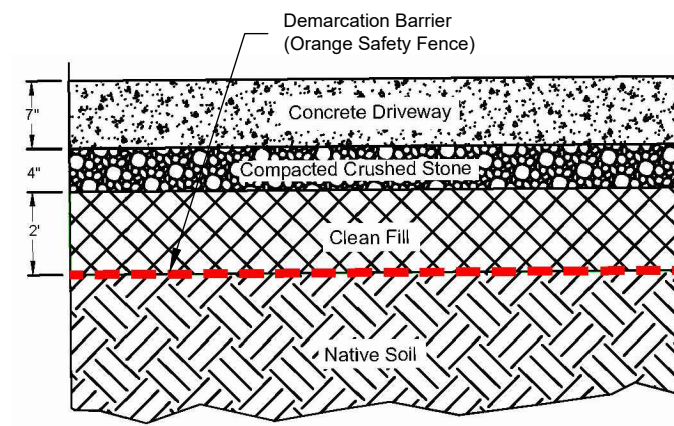
Area B - Cross Section
Not to Scale

EAST AND WEST BUILDING SLAB WITH 20-MIL
STEGO WRAP VAPOR BARRIER



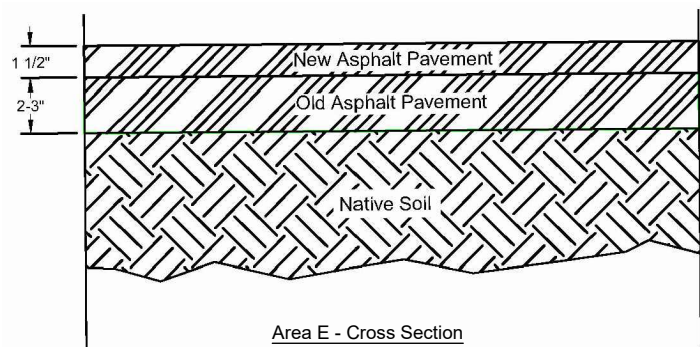
Area C - Cross Section
Not to Scale

SIDEWALK CONNECTOR SLAB



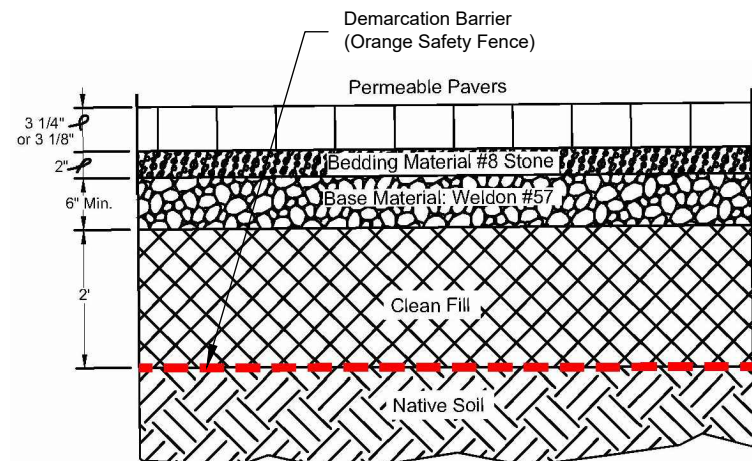
Area D - Cross Section
Not to Scale

CONCRETE DRIVEWAY



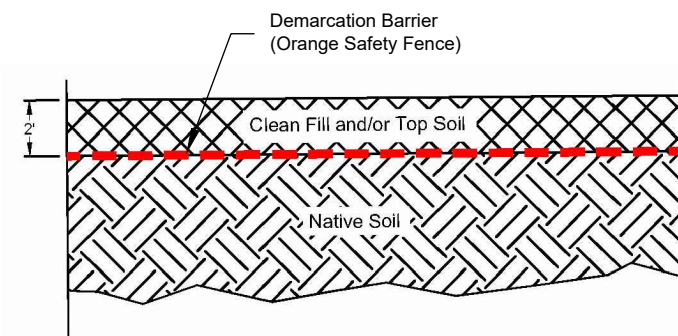
Area E - Cross Section
Not to Scale

ASPHALT PAVEMENT COVER



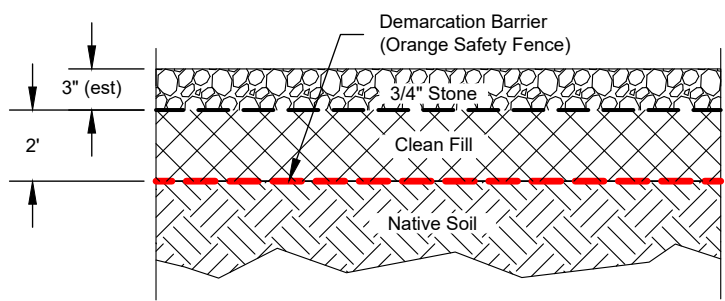
Area F - Cross Section
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PERMEABLE PAVERS



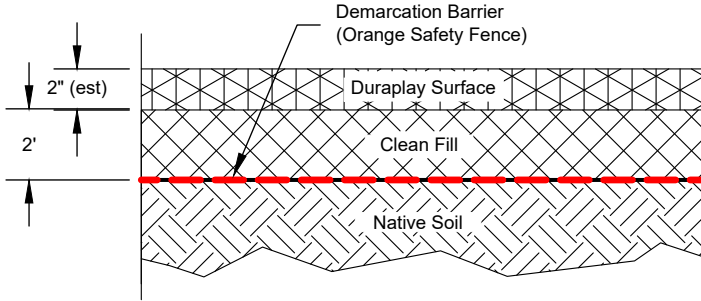
Area G - Cross Section
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MINIMUM 2 FOOT SOIL COVER



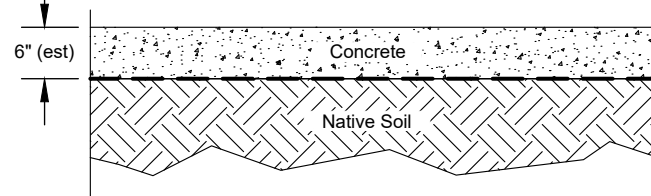
Area H - West Building South Courtyard Landscaped Pathways
Not to Scale

WEST BUILDING SOUTH COURTYARD
LANDSCAPED PATHWAYS



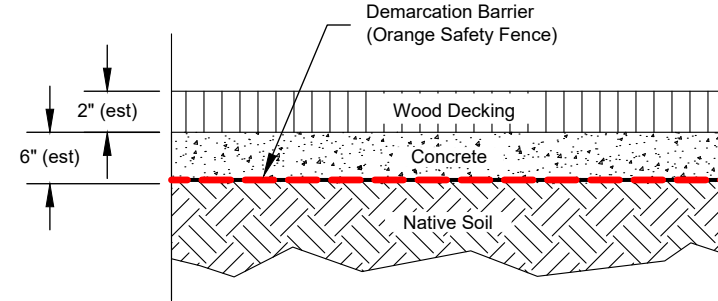
Area I - Safety Surface
Not to Scale

SAFETY SURFACE



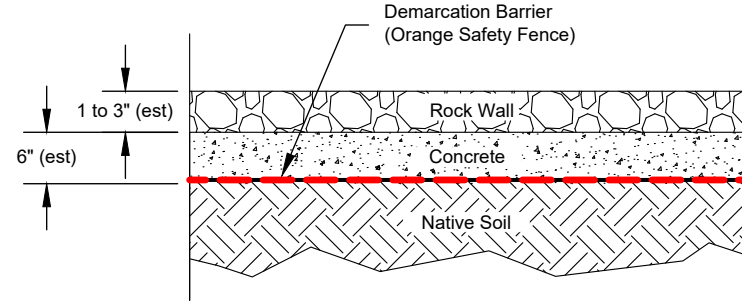
Area J - Cross Section
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RESTORED SIDEWALK



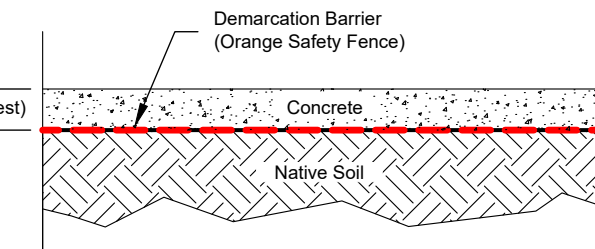
Area K - Deck Ramp
Not to Scale

DECK RAMP



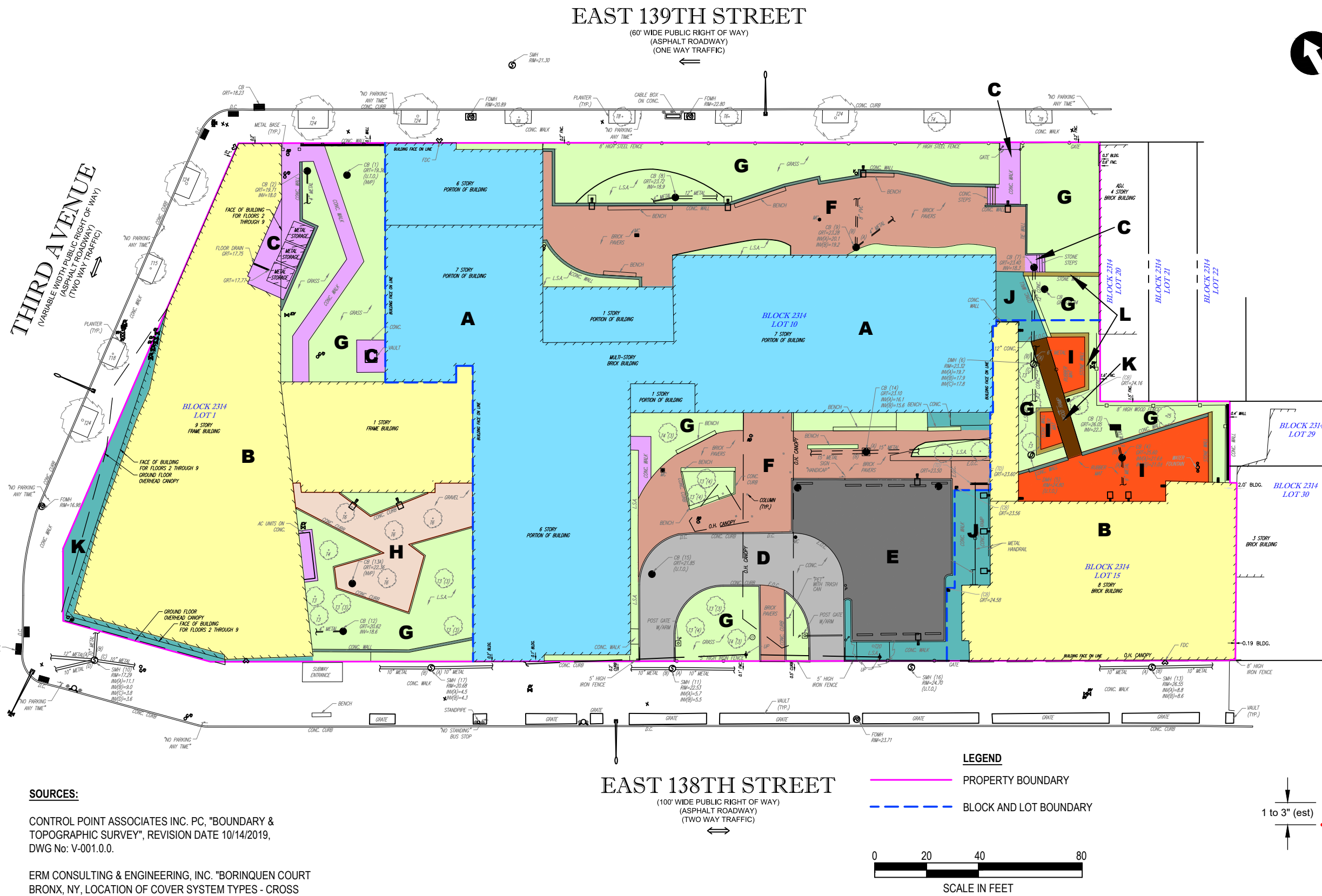
Area L - Rock Wall
Not to Scale

ROCK WALL



Area M - Concrete Wall
Not to Scale

CONCRETE WALL



Tres Puentes

271-295 East 138th Street and 2550 3rd Avenue
Bronx, New York

2023 SITE COVER SYSTEM PLAN



440 Park Avenue South, New York, NY 10016

DATE
6/15//2023

PROJECT NO.
210347

FIGURE
2

APPENDIX A
NYSDEC CORRESPONDENCE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11th Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

www.dec.ny.gov

4/4/2023

Jennifer Steinberg
Senior Project Manager, Real Estate Development
West Side Federation for Senior and Supportive Housing
2345 Broadway
New York, NY 10024
jsteinberg@wsfssh.org

Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal

Site Name: Borinquen Court

Site No.: C203056

Site Address: 271 - 285 E. 138th St
Bronx, NY 10454

Dear Jennifer Steinberg:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site-specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **June 19, 2023**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls ("IC/EC Plan"); a plan for monitoring the performance and effectiveness of the selected remedy ("Monitoring Plan"); and/or a plan for the operation and maintenance of the selected remedy ("O&M Plan"). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. The Engineering Controls (ECs) portion of the form (Box 7) must be signed by a Professional Engineer (PE). If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.



All site-related documents and data, including the PRR, must be submitted in electronic format to the Department of Environmental Conservation. The required format for documents is an Adobe PDF file with optical character recognition and no password protection. Data must be submitted as an electronic data deliverable (EDD) according to the instructions on the following webpage:

<https://www.dec.ny.gov/chemical/62440.html>

Documents may be submitted to the project manager either through electronic mail or by using the Department's file transfer service at the following webpage:

<https://fts.dec.state.ny.us/fts/>

The Department will not approve the PRR unless all documents and data generated in support of the PRR have been submitted using the required formats and protocols.

You may contact Wendi Zheng, the Project Manager, at 718-482-7541 or wendi.zheng@dec.ny.gov with any questions or concerns about the site. Please notify the project manager before conducting inspections or field work. You may also write to the project manager at the following address:

New York State Department of Environmental Conservation
One Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

ec: w/ enclosures

East One Thirty Eighth HDPC, Inc. - Laura Tavormina - LTavormina@wsfssh.org
Tres Puentes, L.P. - Laura Tavormina c/o WSFSSH - LTavormina@wsfssh.org
Borinquen Court Associates, L.P. - Stephanie Green - sgreen@wsfssh.org

ec: w/ enclosures

Wendi Zheng, Project Manager
Jane O'Connell, Hazardous Waste Remediation Supervisor, Region 2

AKRF Engineering, P.C. - Dustin Kapson - dkapson@akrf.com

The following parcel owner did not receive an ec:

Borinquen Court Associates, L.P. - Parcel Owner

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. **C203056**

Site Name **Borinquen Court**

Site Address: 271 - 285 E. 138th St Zip Code: 10454
City/Town: Bronx
County: Bronx
Site Acreage: 1.819

Reporting Period: May 20, 2020 to May 20, 2023

YES NO

1. Is the information above correct?

☐ ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☐ ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☐

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐ ☐

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?

☐ ☐

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial

☐ ☐

7. Are all ICs in place and functioning as designed?

☐ ☐

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? ☐ ☐

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? ☐ ☐
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C203056**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**9-2314-1**

Borinquen Court Associates, L.P.

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
IC/EC Plan

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Building Use Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Monitoring Plan
Site Management Plan

- Site use for restricted residential, commercial or industrial use only
- groundwater use prohibited
- annual certification of the site cover system
- groundwater monitoring in compliance with SMP
- soil vapor intrusion evaluation required for any new buildings constructed on the site.

Box 4**Description of Engineering Controls**ParcelEngineering Control**9-2314-1**

Cover System
Cover System
Cover System

- site cover system consisting of concrete, asphalt or minimum 2 feet of clean fill.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☐☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☐☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

**IC CERTIFICATIONS
SITE NO. C203056**

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as _____(Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

Date

EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Professional Engineer for the _____
(Owner or Remedial Party)

Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 - 1. progress made during the reporting period toward meeting the remedial objectives for the site
 - 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 - 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 - 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 - 1. recommend whether any changes to the SMP are needed
 - 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 - 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 - 1. Describe each control, its objective, and how performance of the control is evaluated.
 - 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 - 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 - 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 - 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2

47-40 21st Street, Long Island City, NY 11101

P: (718) 482-4995

www.dec.ny.gov

March 16, 2021

Jennifer Steinberg
West Side Federation for Senior and Supporting Housing
2345 Broadway
New York, NY 10024

Re: Borinquen Court
Brownfield Cleanup Program #C203056
Construction Completion Report and Site Management Plan

Dear Ms. Steinberg:

The New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health, has completed its review of the Construction Completion Report (CCR) and the Revised Site Management Plan (SMP) dated February 2020, which was prepared by AKRF, Inc. on behalf of Tres Puentes, L.P. The CCR and SMP were submitted to NYSDEC under the Brownfield Cleanup Program (BCP) for project number C203056. The CCR and SMP are deemed to be appropriate and are hereby approved.

The SMP provides a detailed description of all procedures required to manage residual contamination at the site following the completion of remedial actions. Engineering Controls and Institutional Controls (EC/ICs) have been incorporated into the remedy to provide proper management of residual contamination into the future to ensure protection of public health and the environment. The SMP contains a comprehensive plan that provides detailed maintenance and monitoring discussions of the ECs/ICs developed for the site, as well as provisions for the annual certification of these controls.

Should you have any questions, please contact me at 718-482-4897.

Regards,

Mandy Yau

Mandy Yau
Environmental Engineer

cc: Jane O'Connell – NYSDEC
Scarlett McLaughlin, Stephen Lawrence – NYSDOH
Michelle Lapin, Dustin Kapson, Mark Jepson – AKRF

APPENDIX B
ANNUAL SITE-WIDE INSPECTION FORMS

Item #	Inspection Item	Yes	No	Inspector Comments	Notes
1	Has a change of ownership occurred		X		NYSDEC must be informed 60 days in advance
2	Has there been any change in Site Use?		X		Current Site Use is Restricted-Residential. NYSDEC must be informed 60 days in advance per 6 NYCRR Part 375-1.11(d)
3	Are there any plans to construct a new building?		X	Two new buildings were completed on the west and east sections of the Project Site. Details related to the redevelopment are outlined in recent submissions and approved by NYSDEC/ NYSDOH in accordance with the SMP.	Per Section 2.3.2 of the SMP, a soil vapor intrusion monitoring plan must be prepared and submitted to NYSDEC prior to any construction.
4	Have any soil disturbances occurred in the past?		X	Please see details reported in the PRR and photographic log	Documentation must be provided as required by the Excavation Work Plan (Appendix C)
5	Are any soil disturbances planned at this time?		X	Please see details reported in the PRR	NYSDEC must be informed 15 days in advance
6	Have there been any disturbances to the elements of the cover system (soil cover, asphalt areas, building concrete slab)?		X		
7	Soil Cover - Are there any signs of erosion, settlement, or bare spots?		X		
8	Asphalt Cover - Are there any significant cracks, settlement, or erosion?		X		
9	Concrete cover (including building slab) and pavers - Are there any significant cracks, settlement, or erosion?		X		
10	Is ground water underlying the Site being used?		X		Use of Site ground water is prohibited without treatment rendering it for safe use.
11	Are there any vegetable gardens or farming at the Site?		X		These activities are prohibited
12	Is there any activity that may tend to interfere with the completed remedy or the continued ability to implement institutional controls?		X		

Corrective Measures:

Specify any corrective measures needed (e.g., seal asphalt cracks, re-seed bare spot, etc.):

No corrective actions were performed during the annual 2021 site inspection.

Monitoring Well Inspection:

Provide the following information for each monitoring well on a scaled site map:

Location & identification of well

Well cover in place

Not Applicable

Overall well integrity

Presence of a functioning padlock & plug

Photographs:

Attach photos showing status of the cover elements

See Appendix C of the PRR.

Name of Inspector:

Mark Jepsen

Signature of Inspector:



Date of Inspection:

November 2, 2021

Date of Last Inspection:

May 20, 2020

Required Date of Next Inspection:

Summer 2022

Identify expected inspector for next inspection:

To be determined

Additional comments or drawings:

Item #	Inspection Item	Yes	No	Inspector Comments	Notes
1	Has a change of ownership occurred		X		NYSDEC must be informed 60 days in advance
2	Has there been any change in Site Use?		X		Current Site Use is Restricted-Residential. NYSDEC must be informed 60 days in advance per 6 NYCRR Part 375-1.11(d)
3	Are there any plans to construct a new building?		X	Two new buildings were completed on the west and east sections of the Project Site. Details related to the redevelopment are outlined in recent submissions and approved by NYSDEC/ NYSDOH in accordance with the SMP.	Per Section 2.3.2 of the SMP, a soil vapor intrusion monitoring plan must be prepared and submitted to NYSDEC prior to any construction.
4	Have any soil disturbances occurred in the past?		X	Please see details reported in the PRR and photographic log	Documentation must be provided as required by the Excavation Work Plan (Appendix C)
5	Are any soil disturbances planned at this time?		X		NYSDEC must be informed 15 days in advance
6	Have there been any disturbances to the elements of the cover system (soil cover, asphalt areas, building concrete slab)?		X		
7	Soil Cover - Are there any signs of erosion, settlement, or bare spots?		X		
8	Asphalt Cover - Are there any significant cracks, settlement, or erosion?		X		
9	Concrete cover (including building slab) and pavers - Are there any significant cracks, settlement, or erosion?		X	Minor cracking was observed in a ground floor utility room in the Borinquen Court building, corrective measures were performed as summarized in the PRR.	
10	Is ground water underlying the Site being used?		X		Use of Site ground water is prohibited without treatment rendering it for safe use.
11	Are there any vegetable gardens or farming at the Site?		X		These activities are prohibited
12	Is there any activity that may tend to interfere with the completed remedy or the continued ability to implement institutional controls?		X		

Corrective Measures:

Specify any corrective measures needed (e.g., seal asphalt cracks, re-seed bare spot, etc.):

Minor crackin was observed in a ground floor utility room within the Borinquen Court building. Concrete patching was performed over the cracking per direction of AKRF. No other corrective actions were performed during the annual 2022 site inspection.

Monitoring Well Inspection:

Provide the following information for each monitoring well on a scaled site map:

Location & identification of well

Well cover in place

Not Applicable

Overall well integrity

Presence of a functioning padlock & plug

Photographs:

Attach photos showing status of the cover elements

See Appendix C of the PRR.

Name of Inspector:

Dustin Kapson

Signature of Inspector:



Date of Inspection:

August 31, 2022

Date of Last Inspection:

November 11, 2021

Required Date of Next Inspection:

May 2023

Identify expected inspector for next inspection:

To be determined

Additional comments or drawings:

Item #	Inspection Item	Yes	No	Inspector Comments	Notes
1	Has a change of ownership occurred		X		NYSDEC must be informed 60 days in advance
2	Has there been any change in Site Use?		X		Current Site Use is Restricted-Residential. NYSDEC must be informed 60 days in advance per 6 NYCRR Part 375-1.11(d)
3	Are there any plans to construct a new building?		X	Two new buildings were completed on the west and east sections of the Project Site. Details related to the redevelopment are outlined in recent submissions and approved by NYSDEC/ NYSDOH in accordance with the SMP.	Per Section 2.3.2 of the SMP, a soil vapor intrusion monitoring plan must be prepared and submitted to NYSDEC prior to any construction.
4	Have any soil disturbances occurred in the past?		X	Please see details reported in the PRR and photographic log	Documentation must be provided as required by the Excavation Work Plan (Appendix C)
5	Are any soil disturbances planned at this time?		X		NYSDEC must be informed 15 days in advance
6	Have there been any disturbances to the elements of the cover system (soil cover, asphalt areas, building concrete slab)?		X		
7	Soil Cover - Are there any signs of erosion, settlement, or bare spots?		X		
8	Asphalt Cover - Are there any significant cracks, settlement, or erosion?		X		
9	Concrete cover (including building slab) and pavers - Are there any significant cracks, settlement, or erosion?		X		
10	Is ground water underlying the Site being used?		X		Use of Site ground water is prohibited without treatment rendering it for safe use.
11	Are there any vegetable gardens or farming at the Site?		X		These activities are prohibited
12	Is there any activity that may tend to interfere with the completed remedy or the continued ability to implement institutional controls?		X		

Corrective Measures:

Specify any corrective measures needed (e.g., seal asphalt cracks, re-seed bare spot, etc.):

No corrective actions were performed during the annual 2023 site inspection.

Monitoring Well Inspection:

Provide the following information for each monitoring well on a scaled site map:

Location & identification of well

Well cover in place

Not Applicable

Overall well integrity

Presence of a functioning padlock & plug

Photographs:

Attach photos showing status of the cover elements

See Appendix C of the PRR.

Name of Inspector:

Mark Jepsen

Signature of Inspector:



Date of Inspection:

May 2, 2023

Date of Last Inspection:

August 31, 2022

Required Date of Next Inspection:

Summer 2024

Identify expected inspector for next inspection:

To be determined

Additional comments or drawings:

APPENDIX C
PHOTOGRAPHIC LOG



Photograph 1: View of the first floor hallway within the Borinquen Court building, facing south.



Photograph 2: Interior community space within 1st floor of the Borinquen Court building, facing northwest.



Photograph 3: The rear courtyard of the Borinquen Court building, facing east.



Photograph 4: The southern section of the northern courtyard of the Tres Puentes East Building Site, facing west.



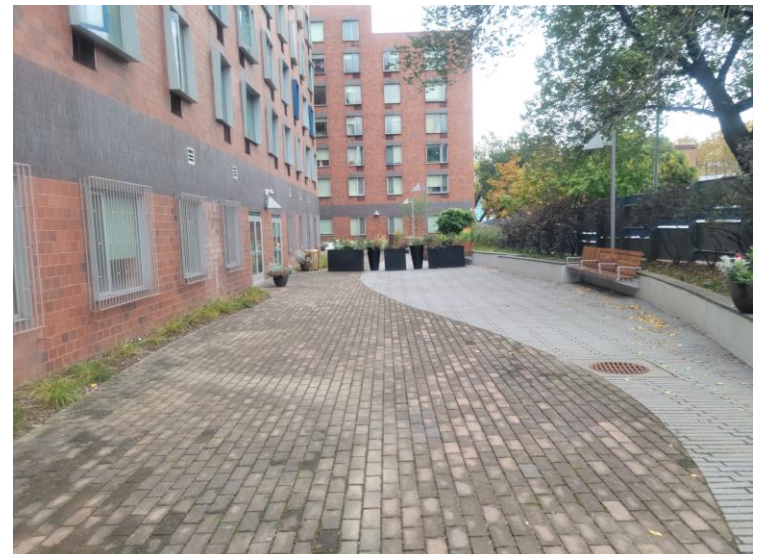
Photograph 5: Interior connector between the Borinquen Court and Tres Puentes East Buildings, facing north.



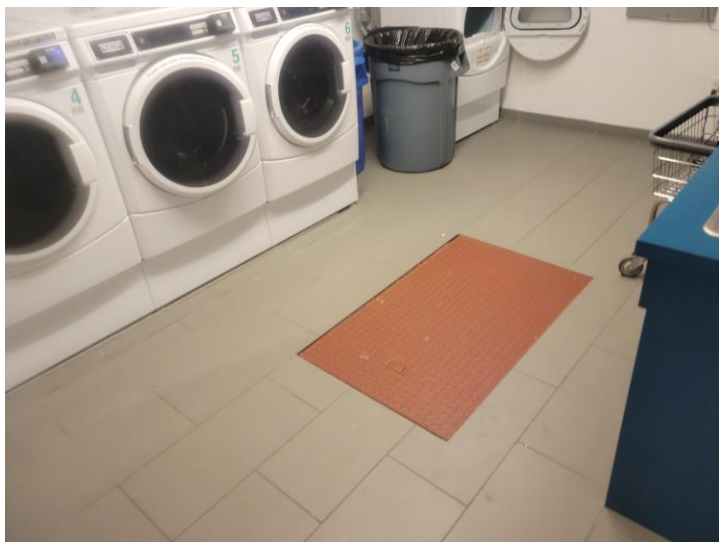
Photograph 6: The East Building Site entrance on East 138th Street, facing south.



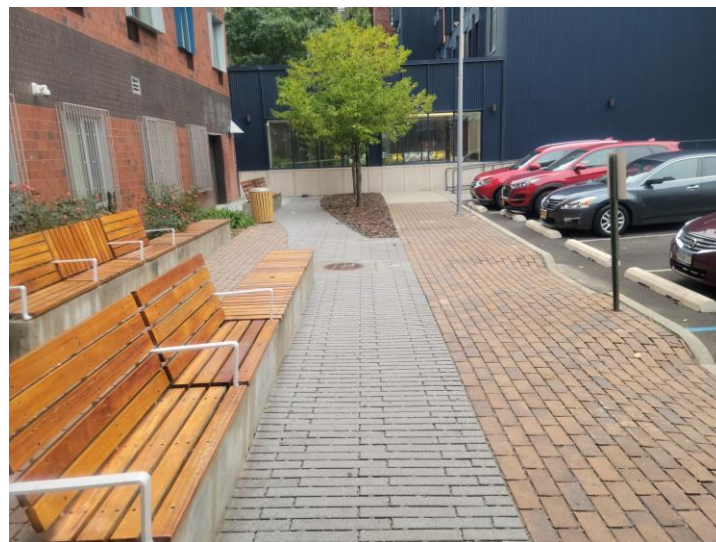
Photograph 7: View of the northern courtyard of the Tres Puentes East Building, facing north.



Photograph 8: View of the courtyard of the Borinquen Court Building, facing west.



Photograph 9: View of the laundry room within the Tres Puentes West Building.



Photograph 10: View of the parking lot and sidewalk in front of the Borinquen Court and Tres Puentes East Buildings, facing east.



Photograph 11: Borinquen Court front entrance and parking lot, facing south.



Photograph 12: Tres Puentes West building entrance along Third Avenue, facing south.



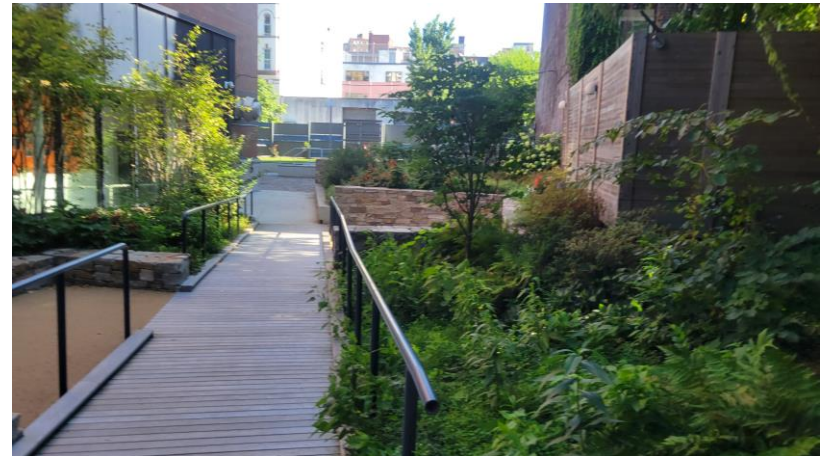
Photograph 1: View of the Borinquen Court entrance and parking lot, facing east.



Photograph 2: Interior floor within 1st floor of the Borinquen Court building, facing west.



Photograph 3: The rear courtyard of the Borinquen Court building, facing west.



Photograph 4: View of the final site cover system in the northern courtyard of the East Building Site, facing south.



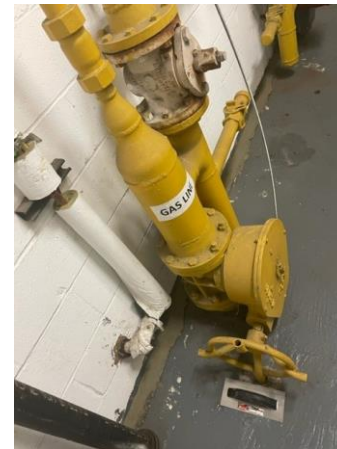
Photograph 5: Interior flooring in the new Tres Puentes West Building, facing west.



Photograph 6: The West Building Site entrance on Third Avenue, facing west.



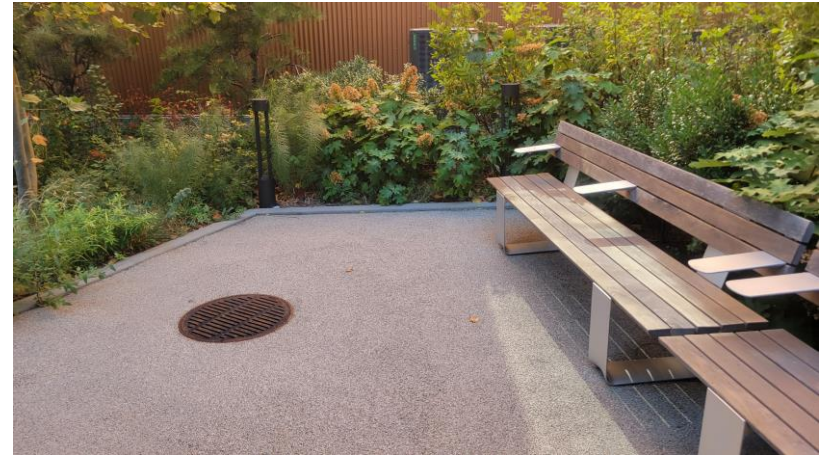
Photograph 7: View of the northern courtyard of the Tres Puentes West Building, facing north.



Photograph 8: View of concrete patching repairs made over minor cracking on concrete slab in a ground floor utility room within the Borinquen Court building.



Photograph 9: View of the south courtyard of the Tres Puentes West Building, facing east.



Photograph 10: View of the south courtyard of the Tres Puentes West Building, facing west.



Photograph 11: Overhead view of the southern courtyard in the Tres Puentes West building.



Photograph 12: Overhead view of the rear courtyard of Borinquen Court.



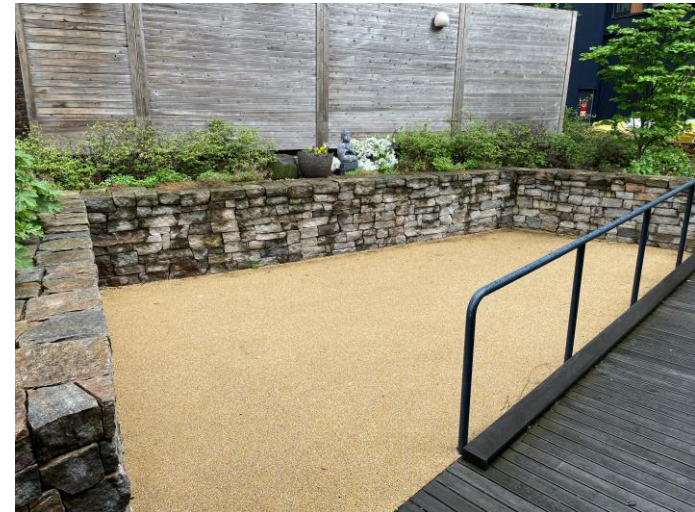
Photograph 1: Landscaping within the Tres Puentes East Building rear courtyard.



Photograph 2: Interior floor within 1st floor of the Borinquen Court building, facing west.



Photograph 3: The rear courtyard of the Borinquen Court building, facing west.



Photograph 4: The safety surface cover system within the rear courtyard of the Tres Puentes East Building Site, facing southeast.



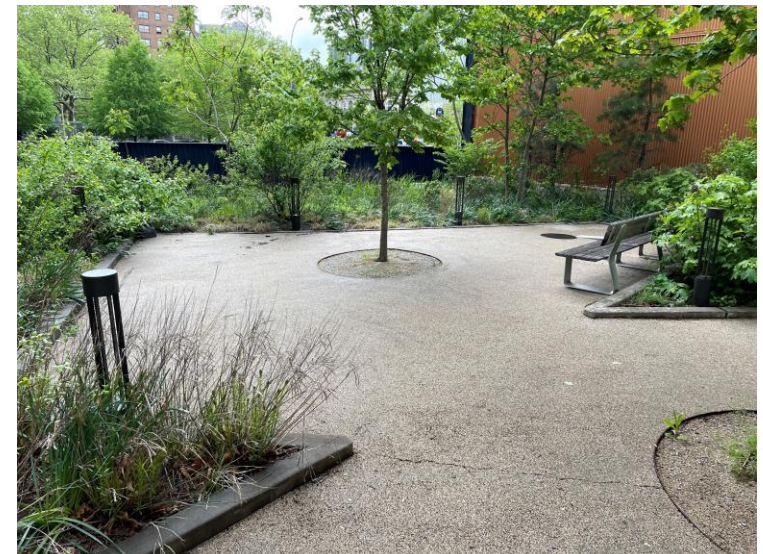
Photograph 5: Interior flooring in the Tres Puentes East Building, facing west.



Photograph 6: The entrance for the Tres Puentes East Building on East 138th Street, facing south.



Photograph 7: The northern courtyard of the Tres Puentes West Building, facing south.



Photograph 8: The southern courtyard of the Tres Puentes West Building, facing south.



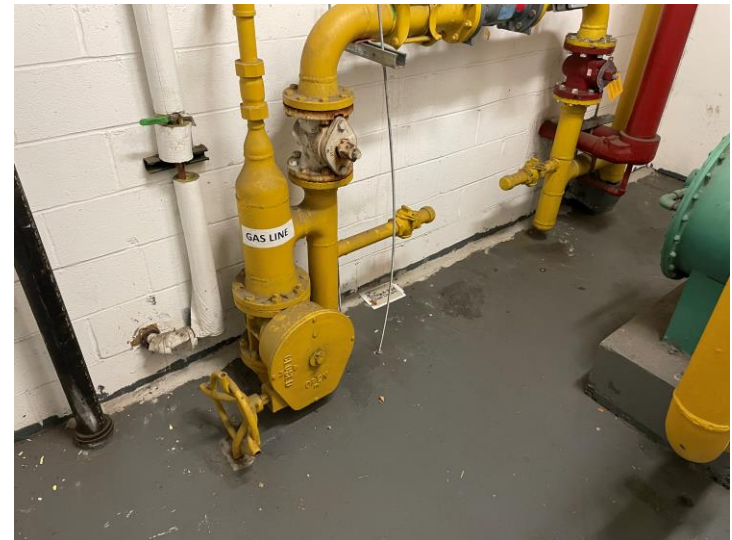
Photograph 9: The main entrance and sidewalk areas outside of the Borinquen Court building, facing west.



Photograph 10: The main entrance of the Borinquen Court building, facing south.



Photograph 11: The asphalt-paved parking lot adjacent to the Tres Puentes East and Borinquen Court buildings, facing south.



Photograph 12: The concrete patching (previously installed in 2022) in the ground floor utility room of the Borinquen Court building.

APPENDIX D

INSTITUTIONAL CONTROL AND ENGINEERING CONTROL (IC-EC) CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details		Box 1	
Site No.	C203056		
Site Name Borinquen Court			
Site Address: 271 - 285 E. 138th St Zip Code: 10454			
City/Town: Bronx			
County: Bronx			
Site Acreage: 1.819			
Reporting Period: May 20, 2020 to May 20, 2023			
		YES	NO
1. Is the information above correct?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5. Is the site currently undergoing development?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

6/21/2023
Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? ☐ ☐

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? ☐ ☐
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C203056**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**9-2314-1**

Borinquen Court Associates, L.P.

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
IC/EC Plan

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Building Use Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Monitoring Plan
Site Management Plan

- Site use for restricted residential, commercial or industrial use only
- groundwater use prohibited
- annual certification of the site cover system
- groundwater monitoring in compliance with SMP
- soil vapor intrusion evaluation required for any new buildings constructed on the site.

Box 4**Description of Engineering Controls**ParcelEngineering Control**9-2314-1**

Cover System
Cover System
Cover System

- site cover system consisting of concrete, asphalt or minimum 2 feet of clean fill.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

✓

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

✓

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.


Signature of Owner, Remedial Party or Designated Representative

6/21/2023

Date

IC CERTIFICATIONS
SITE NO. C203056

Box 6


SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Jenna Breines at c/o WSFSSH 2345 Broadway, NY, NY 10024,
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

6/21//2023
Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Professional Engineer for the _____
(Owner or Remedial Party)



Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date