

30 July, 2008

Mr. Douglas MacNeal
New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway
Albany, NY 12233

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Gregory L. Biesadecki, P.E.
Marc Gallagher, P.E.
Donald J. Hodson, P.E.
Joel B. Landes, P.E.
Alan R. Poeppel, P.E.

RE: Site Management Periodic Review – July, 2008
CE – West 42nd Street – River Place I & II
West 41st – West 42nd Streets
New York, New York 110036
NYSDEC BCP Site No. C231012 & C231024
Langan Project No.: 170040901

Dear Mr. MacNeal:

This letter documents ongoing compliance with the Site Management Plan (SMP) prepared in July, 2006 in accordance with the New York State Brownfields Cleanup Program (BCP), for the properties located between West 41st Street and West 42nd Street and 11th and 12th Avenues on the west side of Manhattan, New York (the Site). Construction activities have already been completed at one of the two portions of the Site (River Place I) and construction activities are currently ongoing at the second portion of the Site (River Place II). The following is an update on the status of Institutional Control/Engineering Controls (IC/EC) implemented or planned to be implemented at the Site:

- Cover System

The cover system planned for the Site includes the building foundation slabs, asphalt parking lots, concrete walkways, and top soil used for landscaping. This system is constantly improved as construction at the site continues and we will perform inspections of this system. We anticipate that essentially all the cover system outside the building envelopes will be available for inspection by December 2008. We will advise you of any schedule changes.

- Inspection of Vapor/Water Barrier

The vapor/water-proofing barrier installation at River Place II was completed in October 2007 and a report documenting the installation was recently provided to NYSDEC. We will inspect the basement and sub cellar areas of River Place II in conjunction with the schedule for the December 2008 inspection of the cover system.

- Indoor Air Monitoring

The SMP requires indoor air sampling in River Place I during the heating season (November through March). We will conduct indoor air sampling in December 2008 in conjunction with the inspection of the Engineering Controls.

- Groundwater Monitoring

The groundwater monitoring network planned for the Site can not be installed until access to the construction lay down area at River Place II is accessible. At that time the monitoring wells will be installed and sampled as described in the SMP. We anticipate that a groundwater monitoring report will be available for your review approximately 45 days after the monitoring network is completed. We anticipate being able to install the monitoring wells in May, 2009.

- Institutional Controls - Environmental Easement

Groundwater is not used for any purpose. Land use remains as multi-story residential. The SMP is being implemented in accordance with the schedules discussed above.

The signed and completed New York State Department of Environmental Conservation IC/EC Certification Form is provided as an attachment to this letter. Should you have any questions, please contact me at 212-479-5404.

Sincerely,
Langan Engineering and Environmental Services, P.C.



Joel B. Landes, P.E.
Senior Associate

Enclosures:

Attachment A NYSDEC Institutional and Engineering Controls Certification Form

Cc: William R. Dacunto – River Place 2 LLC
Steve Gordon - Beveridge and Diamond
Richard Rienzo - Con Edison

ATTACHMENTS



Enclosure 1
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.	C231012	
Site Name	CE - W 42nd St. - River Place II	
Site Address:	West 41st - West 42nd Sts.	Zip Code: 10036
City/Town:	New York	
County:	New York	
Current Use:		
Intended Use:	Residential	

Verification of Site Details		Box 2	
		YES	NO
1.	Are the Site Details above, correct?	<input checked="" type="checkbox"/>	G
	If NO, are changes handwritten above or included on a separate sheet?	G	
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	G	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	G	
3.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	G	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	G	
4.	Has a change-of-use occurred since the initial/last certification?	G	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	G	
5.	For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid?	G	G
	If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	G	
6.	For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)?	G	G
	If NO, are changes in the assessment included with this certification?	G	

SITE NO. C231012

Box 3

Description of Institutional Control

Control Certification

YES NO

River Place 2 LLC/C

West 41st - West 42nd Sts.

Environmental Easement

S_B_L Image: 10890003

Ground Water Use Restriction

Landuse Restriction

Soil Management Plan

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Box 4

Description of Engineering Control

Control Certification

YES NO

River Place 2 LLC/C

West 41st - West 42nd Sts.

Environmental Easement

S_B_L Image: 10890003

Cover System

Subsurface Barriers

Vapor Mitigation

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Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(Also see instructions)

Control Description for Site No. C231012

Annual reports on quarterly groundwater monitoring and annual indoor air monitoring events are required as well as an annual certification that the ground cover is intact as well as the continued effectiveness of the newly-installed vapor barrier and that the groundwater restrictions are still in force.

IC/EC CERTIFICATIONS
SITE NO. C231012

Box 5

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 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 William R. Dacunto at 7 World Trade Center/250 Greenwich Street
print name print:business address

am certifying as Remedial Party (Owner or Remedial Party)

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

by *William R. Dacunto*
Signature of Owner or Remedial Party Rendering Certification

7/29/08
Date

Box 6

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information and statements in Box 4 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 Joel Landes, P.E. at 21 Penn Plaza, NY, NY 10001
print name print business address

am certifying as a Qualified Environmental Professional for the River Place II, LLC

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

Joel Landes
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering
Certification



7/30/08
Date

Control Certification Statement

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

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