

West 61st Street Tennis Court Area Site

Tax Block 1152, Part of Lot 13

NEW YORK, NEW YORK

2024 Site Monitoring Report

AKRF Project Number: 10321

NYSDEC VCP Number: C231059

Prepared for:

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West End Enterprises, LLC
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JULY 2024

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CERTIFICATION

I, Michelle Lapin, certify that I am currently a NYS registered professional engineer as defined in 6 NYCRR Part 375 and that this Periodic Review/Site Monitoring Report was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10) and that all activities were performed in full accordance with the DER-approved work plan and any DER-approved modifications.

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

- (a) the institutional control and engineering control employed at this site is unchanged from the date the control was put in place, or last approved by DER;
- (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.

Michelle Lapin
Printed Name

7/10/24
Date


Signature

1.0 INTRODUCTION

This Site Monitoring Report (SMR) has been prepared by AKRF, Inc. (AKRF) to document and certify ongoing activities at the West 61st Street Tennis Court Area Brownfield Cleanup Program site (hereafter referred to as the “Tennis Court Area” or “Site”) and to satisfy the Periodic Review Report requirement of the Site Management Plan (SMP). The Site comprises a 0.346-acre portion of an approximately 1.44-acre property located on West 61st Street between 10th and 11th Avenues in Manhattan, New York, as shown on Figure 1. The Tennis Court Area Site is Tax Block 1152, part of Lot 13 and is located at 218 West 61st Street, New York, New York.

West 60th Street Associates, LLC and West End Enterprises, LLC entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) on April 19, 2005 to develop a 1.44-acre property located in New York, New York into a mixed use residential and commercial development. Pursuant to an amendment to the BCA and the execution of a new BCA on May 23, 2007, the Site was bifurcated for the purposes of conducting a dual track cleanup; the Track 1 area (BCP Site No. C231043) and the Track 4 Tennis Court Area (BCP Site No. C231059). These BCAs required West 60th Street Associates, LLC and West End Enterprises, LLC to investigate and remediate contaminated media prior to redevelopment of the property for commercial and residential purposes. The Site boundary is shown on Figure 2.

After completion of the remedial work described in the Remediation Work Plan (RWP) from July 2006 to October 2009, some contamination was left in the subsurface at this Site, which is hereafter referred to as ‘residual contamination.’ This Periodic Review Report (PRR) was prepared to document the current conditions of the institutional and engineering controls set forth in the December 2009 Site Management Plan (SMP) to manage residual contamination at the Site. Management of residual contamination at the Site under the SMP would continue in perpetuity or until extinguishment of the Environmental Easement in accordance with Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR) Part 375.

2.0 BACKGROUND

2.1 Site Description

The Site is located in the County of New York (New York City), New York and is identified as Block 1152, part of Lot 13 (former Lot 43) on the New York City Tax Map. The Tennis Court Area Site is an approximately 0.346-acre area bounded by West 61st Street to the north, a residential building to the south, a public school to the east, and the Track 1 area of the property to the west, as shown on Figure 2. The surface topography at the Site and the surrounding area slopes downward from east to west toward the Hudson River. Based on a survey by True North Surveyors, Inc., the Tennis Court Area lies at an elevation of approximately 61 feet at its highest point, sloping westerly to an elevation of approximately 53 feet at its lowest point, based on the Borough of Manhattan Datum.

2.2 Remedial Investigation Findings

2.2.1 Geology, Hydrogeology and Subsurface Characteristics

Geological conditions for the Tennis Court Area were evaluated during the Remedial Investigation (RI) phase, which determined geological conditions on the entire property. The complete results were presented in the *Remedial Investigation Report – West 61st Street Site, New York, NY*, dated January 2006.

Geotechnical engineering borings performed by RA Consultants indicated that the bedrock surface was variable and ranged from elevation 40.8 feet in the northeastern corner to elevation 30 feet near the southwestern corner, in reference to the Borough of Manhattan Datum. Depth to bedrock ranged from 19.2 to 23 feet below ground surface. The geotechnical investigation indicated that the bedrock appeared to undulate as well as slope. The bedrock consisted of highly-weathered schist that is part of the Manhattan Formation. Bedrock groundwater monitoring wells were installed in September 2005 and identified groundwater at depths of approximately 9 to 11 feet below grade. Depth to groundwater for on-site monitoring wells and monitoring well placement and installation is included in Table 1. In the bedrock aquifer, groundwater elevations ranged from elevation 51 in the northeastern corner of the Site to elevation 49 in the southeastern corner. The estimated flow direction in the bedrock aquifer appeared to be slightly towards the southwest. The bedrock along West 61st Street was observed to drop significantly from elevation 40 to elevation 0, which indicated that the bedrock aquifer discharges into the overburden aquifer. The groundwater flow at the Site is likely affected by one or more factors, which may include: current and past pumping of groundwater; past filling activities; underground utilities and other subsurface openings or obstructions such as basements or underground parking garages; and other factors. Groundwater in New York County is not used as a source of potable water.

2.2.2 Nature and Extent of Contamination

The RI commenced in the late summer of 2005 and was completed in early November. The RI was performed in conformance with the BCP Guidance Document, DER-10, and a NYSDEC-prepared Cross-Reference Check List included in Table 1 of the Remedial Investigation Report, January 2006. The RI included a site-wide geophysical survey and sampling and analysis of subsurface soil, groundwater, and off-site soil vapor. Based on the Site investigations conducted by AKRF during the RI: Site contamination was identified in soil; concentrations exceeding Class GA Standards were observed in groundwater; and 15 compounds were detected in off-site soil vapor. Groundwater detections were attributed to naturally occurring elements in soil and groundwater.

Soil

Soil samples during the RI were compared with Technical and Administrative Guidance Memorandum #4046 (TAGM #4046) Recommended Soil Cleanup Objectives (RSCOs) (the regulations in use at that time), as Track 4 cleanup Site-Specific Soil Action Levels (SSSALs) had not been developed for the Site at that time. VOCs, pesticides, and PCBs were below TAGM #4046 RSCOs. Exceedances of seven SVOCs and nine metals were detected. One Sample, B/MW-3(0-2') contained a lead concentration that exceeded the characteristic hazardous waste limit for lead in 6 NYCRR Section 371-3(3). The soil around B/MW-3(0-2') was considered to be an Area of Concern (AOC), AOC-1, as part of a Track 4 cleanup and was removed during remedial activities.

A majority of the exceedances appeared to be related to the historic fill and suspected underground storage tanks (USTs). Some contamination was suspected to be from the former Emsig manufacturing facility located directly south of the Tennis Court Area.

Based on the results of the RI performed at the Site, SSSALs for soil were established in the Remedial Work Plan (RWP) for the protection of human health and the environment, considering the end use and institutional and engineering controls. SSSALs are shown in Table 2.

Groundwater

During the RI, two groundwater monitoring wells were installed in the Tennis Court Area into the bedrock, as no groundwater was encountered in the overburden. Laboratory analytical results from the two on-site groundwater monitoring wells contained low level exceedances of Class GA Standards of total metals and dissolved metals. No VOCs, SVOCs, pesticides, or PCBs were detected at concentrations above NYCRR Section 703.5 Groundwater Quality Standards and/or Technical and Operational Guidance Series (TOGS) 1.1.1.

The use of this area as recreation was not adversely affected by the exceedances found in groundwater. Based on the type and distribution of the identified metals concentrations, these detections were attributed to naturally occurring elements in the soil and groundwater and were not indicative of environmental contamination from historic on-site or off-site operations. Furthermore, remedial activities at the Site included the removal of contaminated soil and underground storage tanks.

Soil Vapor

During the RI, one soil vapor probe (SG-5S) was installed and sampled for VOCs within the Tennis Court Area. At the time of the RI, the New York State Department of Health (NYSDOH) did not have standards, criteria, or guidance values for concentrations of compounds in soil vapor. NYSDOH has since published guidance for soil vapor intrusion into buildings titled *Guidance for Evaluating Soil Vapor Intrusion in the State of New York*, in October 2006. This guidance does not apply to outdoor areas where collection of indoor air samples is not possible. The soil vapor concentrations that require mitigation regardless of indoor air concentration are 250 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) for carbon tetrachloride and TCE, and 1,000 $\mu\text{g}/\text{m}^3$ for 1,1,1-TCA and PCE according to NYSDOH guidance. The compounds detected in SG-5S were all below these guidance values with the exception of chloroform, for which a soil vapor guidance value has not been prepared.

Fifteen VOCs were detected in SG-5S; fourteen of those ranged in concentration from 4.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 80 $\mu\text{g}/\text{m}^3$. Chloroform was detected at a concentration of 390 $\mu\text{g}/\text{m}^3$. No Tentatively Identified Compounds (TICs) were detected. These concentrations did not require any immediate or future action at this outdoor location.

Underground Storage Tanks

The presence of underground storage tanks (USTs) was suspected following the Phase I investigation and geophysical survey conducted at the Tennis Court Area. The presence of USTs was confirmed in two areas of concern (AOCs) for potential petroleum-related contamination. The AOCs are shown on Figure 3.

2.3 Site Remediation

The Tennis Court Area was remediated in accordance with the scope of work presented in the NYSDEC-approved Remediation Work Plan dated March 2006, the RWP Addendum dated June 2006, the RWP Addendum Letter dated October 2006, and the Interim Remedial Measure Work Plan (IRMWP) dated February 2006. The RWP underwent a citizen participation period and was subsequently approved by the NYSDOH and NYSDEC in June 2006. The completed remediation activities and current engineering and institutional controls in place for the Tennis Court Area are detailed the following sections.

2.3.1 Removal of Contaminated Materials from the Site

Following the RI activities, three Areas of Concern (AOCs) were identified in the Tennis Court Area. An area of high lead concentration in the upper two feet of soil at MW-3 was identified as AOC-1, as shown on Figure 3. Two areas of suspected USTs were identified during the Phase I Site Investigation and geophysical survey, identified as AOC-2 and AOC-3, as shown on Figure 3. The presence of USTs was confirmed in both of these locations during remedial excavation.

Soil Removal

The selected remedy for the Tennis Court Area included excavating, removing, and disposing of soil containing contaminant concentrations exceeding SSSALs developed for the Site. A list of the SSSALs developed for the Tennis Court Area is shown in Table 2. Excavation of soil extended vertically until the technical limit of the excavation was achieved and bottom endpoint samples were less than the respective SSSALs. Quantities of soil removed from the Tennis Court Area and disposed of off-site consisted of 5,592 tons of non-hazardous waste and 12.64 tons of lead hazardous waste.

Underground Storage Tank Removal

Nine USTs were cleaned and removed from the Tennis Court Area in accordance with applicable regulations. Details of characterization samples and tank closure procedures adhered to during removal were presented in the Tank Closure Report dated September 2007.

2.3.2 Residual Contamination

The remedial excavation of soil extended vertically to the technical limit of the excavation and until endpoint samples were less than the respective SSSALs. After the completion of the Remedial Action, no on-site soil exceeded the SSSALs developed for the Site. After Site grading, a physical demarcation layer consisting of orange snow fencing was placed at the endpoint sample collection elevation. Soil beneath the demarcation layer is to be considered the Residual Management Zone (RMZ). The RMZ has been established with corresponding protocols for soil handling, oversight by a qualified environmental professional, and health and safety procedures as defined in the SMP. Any future excavations into the RMZ will require adherence to the established protocols. Following the placement and surveying of the demarcation layer at the top of the RMZ, a composite cover system was implemented as the Site's sole Engineering Control System.

2.3.3 Engineering Controls

The Site's Engineering Control System, a composite cover system, comprises two elements:

1. Two feet of fill material that meets TAGM #4046 RSCOs (the regulations used at that time) covered by landscape elements (stone, gravel, and/or grass); or
2. Four inches of asphalt pavement underlain with at least 8 inches of NYSDEC-approved fill/aggregate material. In Spring 2023, an approximately 24 inch-wide strip of asphalt along the southern side of the tennis court was replaced with concrete to address recurrent cracking at this location, as shown on Figure 4. The work did not penetrate the composite cover system. Site cover in the concrete-paved area consists of 4 inches of concrete pavement underlain by 2 inches of gravel sub-base. The

gravel sub-base is underlain in turn by at least 6 inches of NYSDEC-approved fill/aggregate material, which was part of the original composite cover system and was not disturbed by the pavement replacement.

Figure 4 shows the NYSDEC-approved design and locations, as related to the final development, for each remedial cover type used on this Site, as well as the area where asphalt pavement was replaced with concrete. The laboratory analytical results for all imported soil used for the Site cover system have been presented in the SMP as Tables 5A to 5D.

2.3.4 Institutional Controls

A series of Institutional Controls (ICs) were required under the RWP to: (1) implement, maintain and monitor EC systems; (2) prevent future exposure to residual contamination by controlling disturbances of the subsurface contamination; and (3) restrict the use of the Site to restricted residential uses only. Adherence to these ICs was, and will continue to be, required under the Environmental Easement and implemented under the Site Management Plan. These ICs are:

- Compliance with the Environmental Easement by the Grantor and the Grantor's successors and assigns with all elements of the SMP;
- All ECs must be operated and maintained as specified in the SMP;
- A composite cover system (that must be inspected, certified, and maintained as required by the SMP) comprising two elements (listed in Section 2.3.3 of this report);
- All ECs on the Site must be inspected and certified on an annual basis as defined in the SMP and must consist of a visual inspection of Site cover performed by a qualified environmental professional;
- Data and information pertinent to Site Management for the Site must be reported annually in the Annual Site Monitoring Report, as defined in the SMP; and
- ECs may not be discontinued without an amendment or the extinguishment of the Environmental Easement.

3.0 SITE COVER OPERATION AND MAINTENANCE

3.1 Site Cover Inspection

The July 2021 (revised August 2021) SMR acceptance letter from NYSDEC (dated October 26, 2021) noted that the next SMR will be due on July 15, 2024. However, as required by the SMP, three annual inspections were conducted in the three-year period encompassed by the current July 2024 SMR. The first two inspections were conducted on August 12, 2022 and August 30, 2023 by Site representatives, who conducted an inspection of the entire site cover for the Tennis Court Area and found the Site cover present and in good condition. Significant erosion of the Site cover soil was not observed, nor were any prohibited uses of Site soil as specified in the SMP (vegetable gardens or farming on the Site, use of groundwater from the Site, or evidence of activities performed that penetrated the Site cover to the underlying demarcation layer). Several cracks (ranging from approximately 6 to 34 feet long) were observed in the tennis court surface near the southern edge of the court during the August 12, 2022 inspection. Although these cracks did not penetrate through the tennis court surface to the demarcation layer beneath, the asphalt cover in this area cracked repeatedly despite being repaired with grout and/or asphalt. Thus, in

Spring 2023, an approximately 24-inch strip of asphalt along the southern edge of the tennis court was replaced with concrete to prevent further cracking, as detailed in Section 2.3.3. Photographs documenting the August 12, 2022 and August 30, 2023 inspections, and copies of the corresponding Site Cover Inspection Forms, are provided in Appendix A.

AKRF conducted an inspection of the entire site cover for the Tennis Court Area on June 5, 2024 and found the Site cover present and in good condition. Significant erosion of the Site cover soil was not observed, nor were any prohibited uses of Site soil as specified in the SMP (vegetable gardens or farming on the Site, use of groundwater from the Site, or evidence of activities performed that penetrated the Site cover to the underlying demarcation layer). One approximately 30-inch-long crack was observed in the tennis court surface near the southern edge of the court. This crack did not penetrate through the tennis court surface to the demarcation layer beneath. According to Mr. Mariel Ventura (the Site representative) this crack will be repaired. Photographs documenting the June 5, 2024 inspection and a copy of the June 5, 2024 Site Cover Inspection Form are provided in Appendix A.

3.2 Maintenance

Based upon interviews during the June 5, 2024 Site cover inspection, most cracks observed in the tennis court surface during the previous reporting period (June 5, 2018 through June 22, 2021) were repaired in Spring 2023 by replacing a 24-inch strip of asphalt pavement along the southern portion of the tennis court with concrete pavement, as detailed in Section 2.3.3. During the June 5, 2024 inspection, one new crack was noted in the tennis court surface, but did not penetrate through the Site cover. Mr. Ventura indicated that this crack will be repaired. No other maintenance was performed on the Site cover since the previous Site Monitoring Report was submitted in August 2021.

4.0 INSTITUTIONAL AND ENGINEERING CONTROL CERTIFICATION

As specified in the SMP, a Site-wide inspection was performed by AKRF on June 5, 2024 to ensure that all aspects of the remedy were in-place and effective. A copy of the Site-Wide Inspection Form is included in Appendix B. The inspection included a review of the Site cover and confirmed that use-restrictions for the Tennis Court Area had been adhered to, as specified in the SMP. As noted in Section 3.1, additional annual inspections were conducted by Site management on August 12, 2022, and August 30, 2023.

The IC/EC Certification Form for the Site was completed based on results from the June 5, 2024 Site visit, which included interviews and inspections described in this SMR. A copy of the IC/EC Certification Form is provided as Appendix C. The Certification Form indicates that all ECs and ICs at the Site remain in place and effective.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the Site-wide inspection and Site cover inspection, the following conclusions and recommendations were developed:

- The soil-covered element of the permanent Site cover is present and in good condition throughout all portions of the Tennis Court Area.
- The asphalt- and concrete-paved element of the permanent Site cover is present and in good condition throughout all portions of the Tennis Court Area. Cracks observed during the August 12, 2022

inspection were repaired by replacing a 24-inch strip of asphalt pavement with concrete in Spring 2026. The repair work did not penetrate the Site cover. The crack observed during the June 5, 2024 inspection is planned to be repaired, and does not penetrate the Site cover.

- The permanent Site cover should be maintained in accordance with the SMP. Any potential future changes to the Site cover should be performed in accordance with the SMP.
- Any potential future ground intrusive work should be performed in accordance with the SMP.
- Any potential future use of the Tennis Court Area must continue to adhere to the ICs for Site use, as set forth in the SMP.

TABLES

Table 1
West 61st Street Tennis Court Area Site

BCP ID C231059

New York, New York

Pre-Remediation Well Installation Details and Groundwater Measurements

Sample Date: 10/7/2005

Well ID	Date of Installation	Total Depth of Well (feet b.g.)	Depth to Water (feet)	Depth to Product (feet)	Water Column (feet)	Top of PVC Riser Elevation	Groundwater Elevation (feet)	Geologic medium screened
MW-3	9/8/2005	23.59	10.02	N/A	13.57	61.23	51.21	Bedrock
MW-5	9/9/2005	22.70	11.70	N/A	11.00	61.44	49.74	Bedrock

Sample Date: 12/1/2005

Well ID	Date of Installation	Total Depth of Well (feet b.g.)	Depth to Water (feet)	Depth to Product (feet)	Water Column (feet)	Top of PVC Riser Elevation	Groundwater Elevation (feet)	Geologic medium screened
MW-3	9/8/2005	23.59	No reading	N/A	No reading	61.23	No reading	Bedrock
MW-5	9/9/2005	22.70	No reading	N/A	No reading	61.44	No reading	Bedrock

Notes: b.g. - Below grade

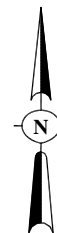
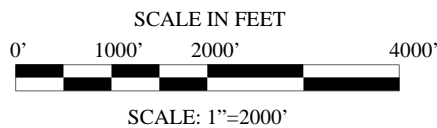
N/A - Not applicable; product was not observed in the wells.

Elevations based on survey by True North Surveyors, Inc. and refer to datum used by the Topographical Bureau and are given in Manhattan Borough Datum.

Table 2
West 61st Street Tennis Court Area Site
BCP ID C231059
New York, New York
Site Specific Soil Action Levels (SSSALs)

Parameter	Criterion
Individual VOCs	(TAGM #4046 RSCO)
Total VOCs	10.0 mg/kg
Total SVOCs	200 mg/kg
Benzene	0.06 mg/kg (TAGM #4046 RSCO)
Toluene	1.5 mg/kg (TAGM #4046 RSCO)
Ethylbenzene	5.5 mg/kg (TAGM #4046 RSCO)
o-xylene	1.2 mg/kg (TAGM #4046 RSCO)
m/p=xylene	0.6 mg/kg (TAGM #4046 RSCO)
Naphthalene	13 mg/kg (TAGM #4046 RSCO)
Total PCBs	1 mg/kg
Individual Pesticides	(TAGM #4046 RSCO)
Arsenic	18 mg/kg
Chromium	40 mg/kg
Lead	1,000 mg/kg
Mercury	2 mg/kg
Notes: mg/kg - milligrams per kilogram or parts per million	

FIGURES



SOURCE:
7.5 MINUTE SERIES USGS TOPOGRAPHIC MAP
QUADRANGLE: CENTRAL PARK, NY 1995

**WEST 61st STREET TENNIS COURT
AREA SITE
NEW YORK, NEW YORK**

**USGS TOPOGRAPHIC MAP OF
PROJECT SITE LOCATION**



Environmental Consultants
440 Park Avenue South, New York, N.Y. 10016

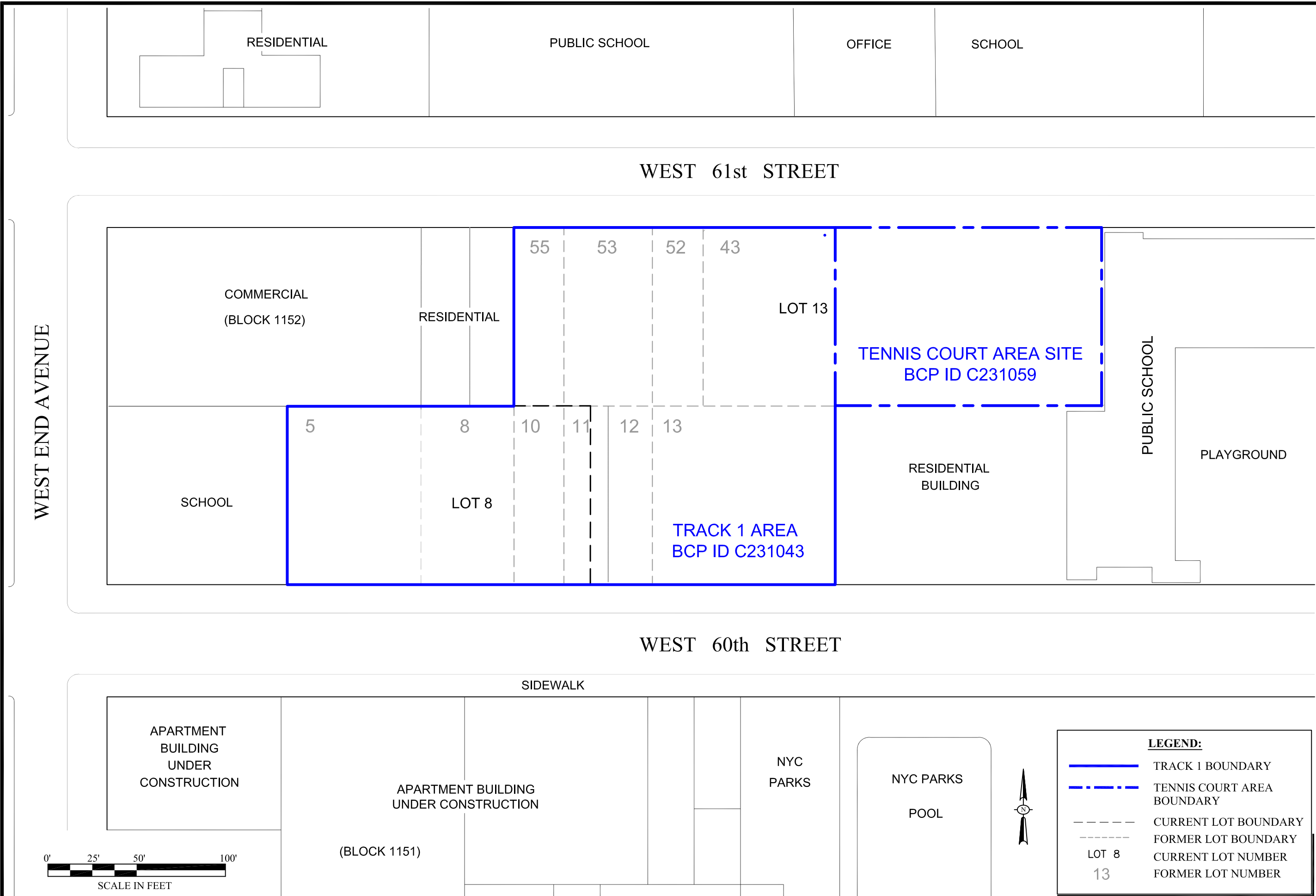
DATE
11.05.09

PROJECT No.
10321

SCALE
AS SHOWN

FIGURE
1

© 2007 AKRF, Inc. Environmental Consultants M:\AKRF Project Files\10321 - Algin Properties W. 60th St\10321 - FER\Track 4 Report\Figures\F1_Site Location map.dwg



Environmental Consultants
440 Park Avenue South, New York, NY 10016

WEST 61st STREET TENNIS COURT AREA SITE
NEW YORK, NEW YORK

SITE LOCATION MAP

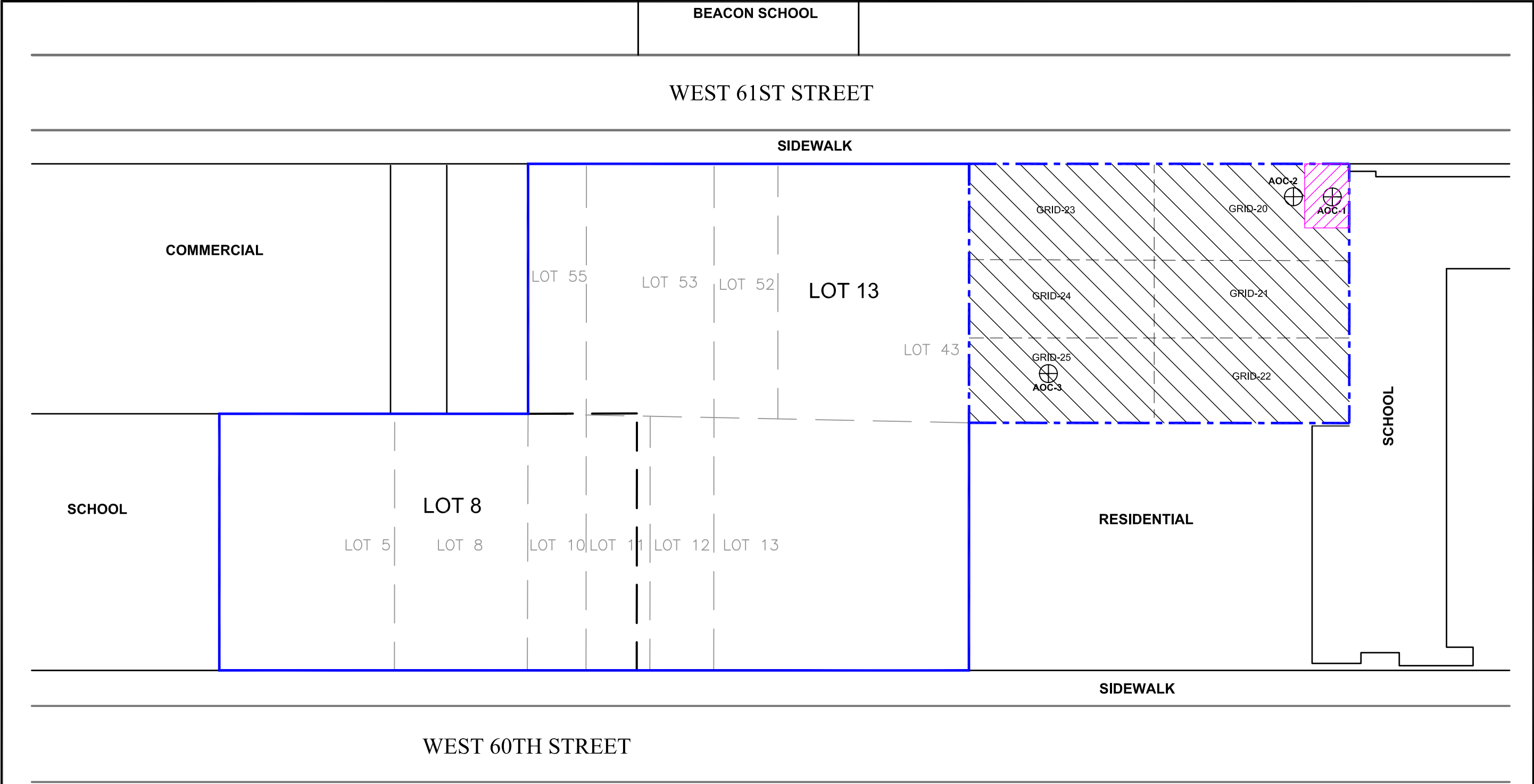
DATE
11.05.09

APPROX SCALE
1"=50'

PROJECT No.
10321

FIGURE No.
2

2008 AKRF, Inc. Environmental Consultants



LEGEND:

- GRID-51

LOT 8

LOT 5
- GRID BOUNDARY
- TRACK 1 BOUNDARY
- TENNIS COURT AREA SITE BOUNDARY
- CURRENT LOT BOUNDARY
- FORMER LOT BOUNDARY
- GRID LOCATION
- CURRENT LOT NUMBER
- FORMER LOT NUMBER

AOC-2

EXCAVATION OF CHARACTERISTIC HAZARDOUS WASTE LEAD SOIL

HISTORIC URBAN FILL (CONSIDERED AN AOC)

AREA OF CONCERN (AOC)

NOTES:

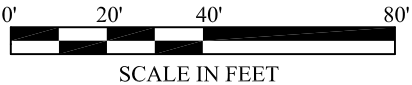
1. AOC-1

2. AOC-2

3. AOC-3
- ELEVATED LEAD IN SAMPLE B/MW-3 (0-2')

ONE OR MORE USTS NEAR GATEHOUSE

ONE OR MORE USTS IN SOUTHWEST CORNER OF PARKING LOT



EACH GRID IS APPROXIMATELY 1,000 CUBIC YARDS PER 16 FT DEPTH

AKRF

Environmental Consultants

440 Park Avenue South, New York, N.Y. 10016

WEST 61st STREET TENNIS COURT AREA SITE

NEW YORK, NEW YORK

AREAS OF CONCERN

DATE

11.24.09

SCALE

1"=40'

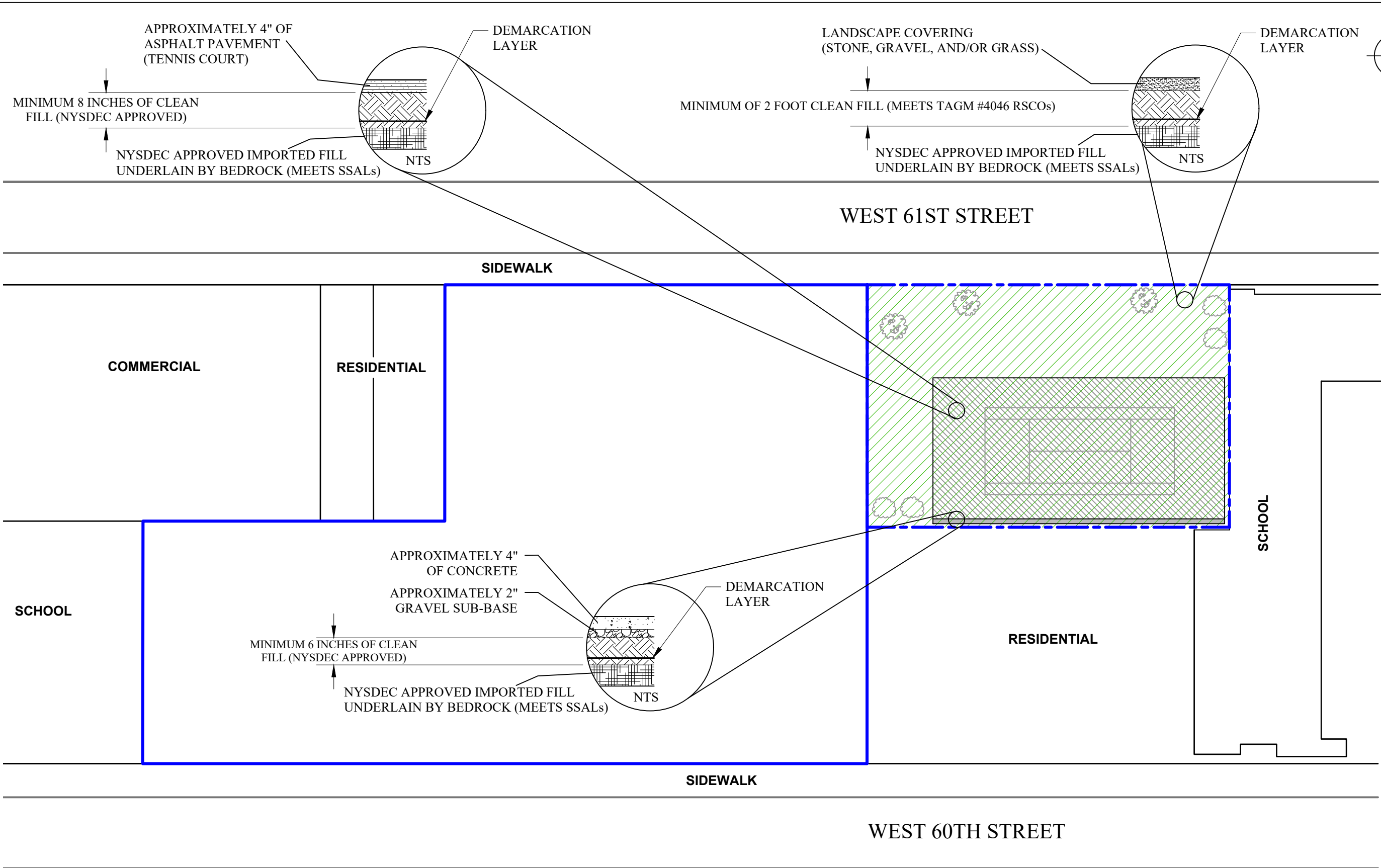
PROJECT No.

10321

FIGURE No.

3

©2024 AKRF, Inc. M:\AKRF Project Files\10321 - Algin Properties W. 60th St\10321 - FERITrack 4 Report\SMP\Figures\F4 Enr Control Components.dwg last save: mveilleux 7/2/2024 8:00 AM

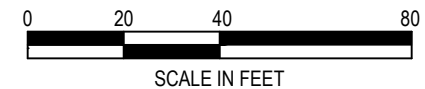


LEGEND

- TRACK 1 BOUNDARY
- TENNIS COURT AREA SITE BOUNDARY
- LANDSCAPED ELEMENTS

- COVERED BY 2 FEET OF CLEAN FILL
- COVERED BY CLEAN FILL AND ASPHALT PAVEMENT (TENNIS COURT)

- COVERED BY CLEAN FILL AND CONCRETE PAVEMENT
- NTS NOT TO SCALE



West 61st Street Tennis Court Area Site
New York, New York

SITE COVER COMPONENTS POST DEVELOPMENT



440 Park Avenue South, New York, NY 10016

DATE
7/2/2024

PROJECT NO.
10321

FIGURE
4

APPENDIX A
SITE COVER INSPECTION FORM AND PHOTOGRAPHS

Site Cover Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Mariel Ventura

Date: 8/12/2022

1. Landscaped areas:

Adequate top soil cover present? Yes

Signs of erosion? None

Recommended corrective action: None

2. Outdoor paving/sidewalks:

Note any signs of cracking or other damage:

Several cracks were noted along the southern edge of the tennis court on 08/12/2022. The cracks had been repaired with grout and/or asphalt. None of the cracks had penetrated the demarcation layer.

Note any areas where greater than 25% of surface is cracked/damaged:

None

Recommended corrective action:

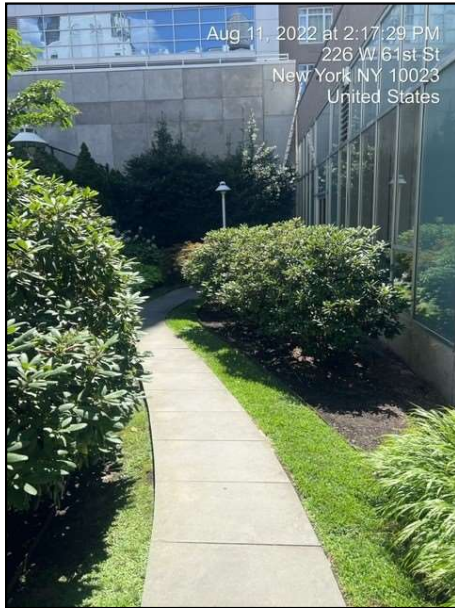
Any new cracks must be patched according to SMP (re-paving not necessary); tennis court surface should be professionally repaired.

Comments (attach photos/sketches to illustrate any damage noted):

Photos are supplied in the attached photo log. Only photographs 7 and 8 (described below) are listed here as they were the only locations with repairs of damage to the site cover.

Photograph 7: Repaired, approximately 6-foot long crack in the tennis court cover (paved element of composite cover system)

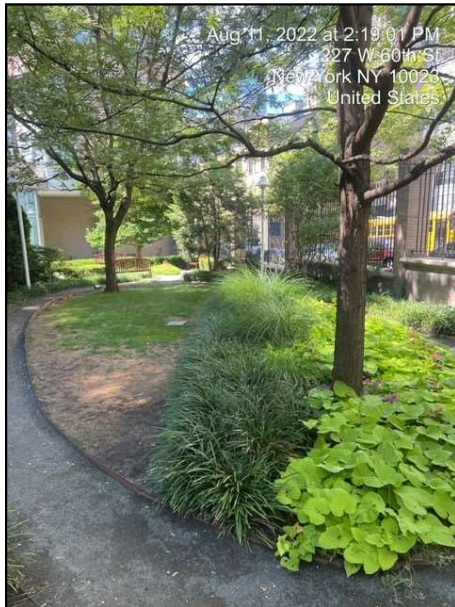
Photograph 8: Repaired, approximately 23- and 34-foot long cracks in the tennis court cover (paved element of composite cover system)



Photograph 1: Southwestern portion of the composite cover system soil element of the Track 4 “Tennis Court” Area.



Photograph 2: Western portion of the composite cover system soil element.



Photograph 3: Eastern portion of the composite cover system soil element.



Photograph 4: No soil erosion noted around utilities protruding through the site cover.



Photograph 5: Tennis court (paved element of the composite cover system.)



Photograph 6: Northern side of the tennis court; no cracking or erosion noted around the drainage system.



Photograph 7: An approximately 6-foot long crack in the southwestern corner of the tennis court, repaired with grout.



Photograph 8: Cracks, repaired with grout and asphalt, at the southern edge of the tennis court.

Site Cover Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Mariel Ventura

Date: 8/30/2023

1. Landscaped areas:

Adequate top soil cover present? Yes

Signs of erosion? None

Recommended corrective action: None

2. Outdoor paving/sidewalks:

Note any signs of cracking or other damage:
None.

Note any areas where greater than 25% of surface is cracked/damaged:
None

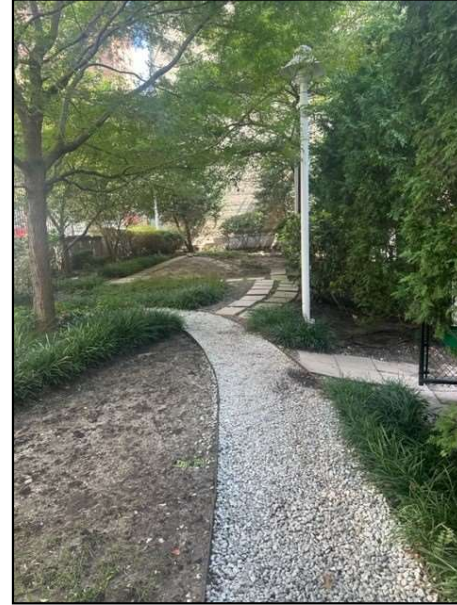
Recommended corrective action:
None.

Comments (attach photos/sketches to illustrate any damage noted):

Photos are supplied in the attached photo log. No damage to the site cover was noted. Cracks in the tennis court surface, noted during the previous (6/12/2022) inspection, have been repaired by repaving the southern portion of the court in Spring 2023.



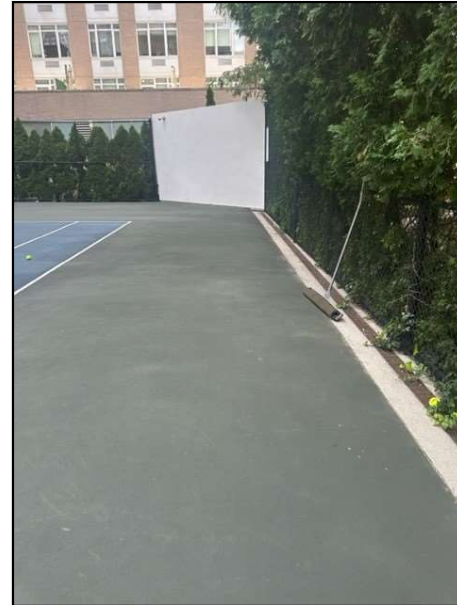
Photograph 1: Southwestern portion of the composite cover system soil element of the Track 4 “Tennis Court” Area.



Photograph 2: Eastern portion of the composite cover system soil element.



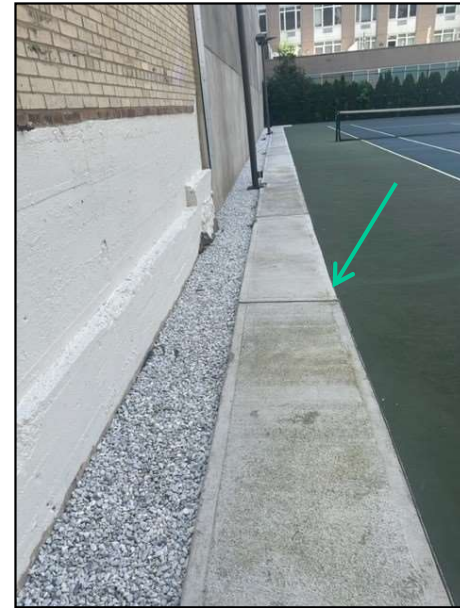
Photograph 3: Tennis court (paved element of the composite cover system).



Photograph 4: Northwestern corner of the tennis court; no cracking or erosion noted around the drainage system.



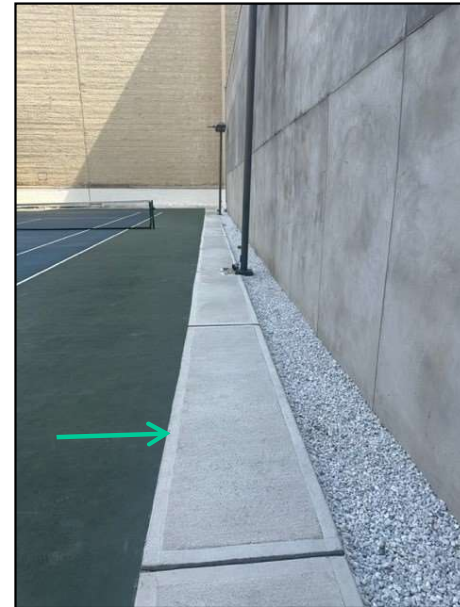
Photograph 5: Northern side of the tennis court; no cracking or erosion noted around the drainage system.



Photograph 6: The southern edge of the tennis court, with new concrete pavement installed as part of crack repair.



Photograph 7: The southwestern corner of the tennis court, with new concrete pavement installed as part of crack repair.



Photograph 8: The southern edge of the tennis court, with new concrete pavement installed as part of crack repair.

Site Cover Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Michael Bates

Date: 6/5/2024

1. Landscaped areas:

Adequate top soil cover present? Yes

Signs of erosion? None

Recommended corrective action: None

2. Outdoor paving/sidewalks:

Note any signs of cracking or other damage:

One crack was noted along the southern edge of the tennis court on 06/05/2024. This crack is to be repaired. The cracks did not penetrate the demarcation layer.

Note any areas where greater than 25% of surface is cracked/damaged:

None

Recommended corrective action:

The crack must be patched according to SMP (re-paving not necessary).

Comments (attach photos/sketches to illustrate any damage noted):

Photos are supplied in the attached photo log. Only photograph 9 (described below) is listed here, as it was the only location showing damage to the site cover.

Photograph 9: Approximately 30-inch long crack in the tennis court cover (paved element of composite cover system), to be repaired.



Photograph 1: Southwestern portion of the composite cover system soil element of the Track 4 “Tennis Court” Area.



Photograph 2: Western portion of the composite cover system soil element.



Photograph 3: Eastern portion of the composite cover system soil element.



Photograph 4: No soil erosion noted around utilities protruding through the site cover.



Photograph 5: Tennis court (paved element of the composite cover system.)



Photograph 6: Northern side of the tennis court; no cracking or erosion noted around the drainage system.



Photograph 7: The southwestern corner of the tennis court, with new concrete pavement installed as part of crack repair.



Photograph 8: The southern edge of the tennis court, with new concrete pavement installed as part of crack repair.



Photograph 9: A new crack along the southern edge of the court (to be repaired).



Photograph 10: Soil cover in a landscaped area on the western edge of the Site.

APPENDIX B
SITE-WIDE INSPECTION FORM

Site-Wide Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Mariel Ventura

Date: 8/12/2022

1. Site Use Restrictions

Are there any on-site vegetable gardens?

No

Is there any groundwater withdrawal for potable/non-potable use?

No

Is restricted residential use maintained?

Yes, currently used as a tennis court and outdoor landscaped recreation area, in accordance with 6 NYCRR 375-1.8(g)(2)(ii).

2. Site Cap

Note the date that the annual site cover inspection was performed:

08/12/2022

Repairs made as noted during inspection?

None

3. Soil Management

Note the date(s) of any soil disturbance activities conducted during the past year:

No disturbance penetrating the composite cover since SMP published in Dec. 2010

Proper soil management procedures implemented (cite appropriate close-out reports)?

Not Applicable

4. Recordkeeping

Check that the following records/reports are being maintained/completed (note report/log dates as appropriate):

1) Annual site cover inspection log

Previous annual inspection conducted on 06/22/2021.

2) Close-out report(s) for soil disturbance activities (including manifests for soil disposal)

Not Applicable

5. Comments

(Note any deficiencies and recommendations for corrective actions.)

Several historical cracks (repaired with grout and/or asphalt) noted along the southern edge of the tennis court. The cracks did not penetrate to the demarcation layer. The tennis court surface must continue to be maintained in good condition.

Site-Wide Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Mariel Ventura

Date: 8/30/2023

1. Site Use Restrictions

Are there any on-site vegetable gardens?

No

Is there any groundwater withdrawal for potable/non-potable use?

No

Is restricted residential use maintained?

Yes, currently used as a tennis court and outdoor landscaped recreation area, in accordance with 6 NYCRR 375-1.8(g)(2)(ii).

2. Site Cap

Note the date that the annual site cover inspection was performed:

08/30/2023

Repairs made as noted during inspection?

Approximately 24-inch strip of asphalt along the southern edge of the tennis court replaced with concrete in Spring 2023 to address repeated cracking in this area. The repair did not penetrate the demarcation layer separating the composite cover system from residual on-site soil.

3. Soil Management

Note the date(s) of any soil disturbance activities conducted during the past year:

No disturbance penetrating the composite cover since SMP published in Dec. 2010

Proper soil management procedures implemented (cite appropriate close-out reports)?

Not Applicable

4. Recordkeeping

Check that the following records/reports are being maintained/completed (note report/log dates as appropriate):

1) Annual site cover inspection log

Previous annual inspection conducted on 08/12/2022.

2) Close-out report(s) for soil disturbance activities (including manifests for soil disposal)

Not Applicable

5. Comments

(Note any deficiencies and recommendations for corrective actions.)

No deficiencies noted. The tennis court surface must continue to be maintained in good condition.

Site-Wide Inspection Form
West 61st Street Tennis Court Area Site (BCP Site No. C231059)
West 61st Street, New York, NY

Inspector: Michael Bates

Date: 6/5/2024

1. Site Use Restrictions

Are there any on-site vegetable gardens?

No

Is there any groundwater withdrawal for potable/non-potable use?

No

Is restricted residential use maintained?

Yes, currently used as a tennis court and outdoor landscaped recreation area, in accordance with 6 NYCRR 375-1.8(g)(2)(ii).

2. Site Cap

Note the date that the annual site cover inspection was performed:

06/05/2024

Repairs made as noted during inspection?

None

3. Soil Management

Note the date(s) of any soil disturbance activities conducted during the past year:

No disturbance penetrating the composite cover since SMP published in Dec. 2010

Proper soil management procedures implemented (cite appropriate close-out reports)?

Not Applicable

4. Recordkeeping

Check that the following records/reports are being maintained/completed (note report/log dates as appropriate):

1) Annual site cover inspection log

Previous annual inspection conducted on 08/30/2023.

2) Close-out report(s) for soil disturbance activities (including manifests for soil disposal)

Not Applicable

5. Comments

(Note any deficiencies and recommendations for corrective actions.)

One crack along the southern edge of the tennis court was noted. The crack did not penetrate to the demarcation layer. Sealing the crack and fixing the court was recommended. The tennis court surface must continue to be maintained in good condition.

APPENDIX C

INSTITUTIONAL CONTROLS/ENGINEERING CONTROLS 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. **C231059**

Site Name **West 61st Street Tennis Court Area Site**

Site Address: 218 West 61st St Zip Code: 10023
City/Town: New York
County: New York
Site Acreage: 0.346

Reporting Period: ~~June 15, 2021 to June 15, 2024~~ June 22, 2021 to June 5, 2024

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. C231059**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**1152-13**

West 60th Street Associates, LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan
O&M Plan
IC/EC Plan

Environmental Easement consist of the following 8 elements:

- 1) All ECs must be operated and maintained as specified in the SMP.
- 2) A composite cover system consists of 2 feet of soil covered by asphalt pavement or landscaping material must be inspected and certified and maintained as required in SMP.
- 3) All ECs must be inspected and certified at a frequency and in a manner defined in SMP.
- 4) Data and information pertinent to SM for the Controlled Property must be reported at a frequency and in a manner defined in the SMP.
- 5) The ECs may not be discontinued without an amendment or the extinguishment of the EE.
- 6) Vegetable gardens and farming on the Controlled Property is prohibited.
- 7) The use of groundwater underlying the site is prohibited without treatment rendering it safe for intended purpose.
- 8) All future activities on site that will disturb residual contaminated material (i.e. penetrates through the site cover and demarcation layer into the underlying soil) are prohibited unless they are conducted in accordance with the soil management plan provisions in the SMP.

Box 4**Description of Engineering Controls**ParcelEngineering Control**1152-13**

Cover System

The composite cover system above the demarcation layer consists of:

- 1) two feet of soil/fill material which meets TAGM #4046 RSCO covered by landscape elements (stones, gravel, and/or grass; or
- 2) four inches of asphalt pavement underlain with at least eight inches of NYSDEC approved fill/aggregate material, or 4 inches of concrete, underlain by 2 inches of gravel sub-base, underlain in turn by at least 6 inches of NYSDEC-approved fill/aggregate material.

The composite cover system must be inspected, certified and maintained as required in the SMP.

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. C231059

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 Bennet L Schonfeld at do Algin Mgmt Co. LLC 183 Madison Ave
print name print business address NY, NY 10014

am certifying as Representative of Ownership (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

7/8/20
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 Michelle Lapin at 440 Park Avenue South, 7th Floor, New York, NY 10016,
print name print business address

am certifying as a Professional Engineer for the AKRF, Inc.
(Owner or Remedial Party)


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




Stamp
(Required for PE)

7/2/2024
Date