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8 October 2010
File No. 28590-019

New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau C, 11th Floor
625 Broadway
Albany, New York 12233-7014

Attention: Lech Dolata
Project Manager

Subject: Tarrytown Former MGP Site
Site Management Periodic Review Report Period Ending 8/31/10.
Brownfield Cleanup Agreement No. C3600064

Dear Mr. Dolata:

On behalf of Ferry Landings, LLC, Haley & Aldrich has prepared this Site Management Periodic Review Report (PRR) for the period ending 31 August 2010, in response to letters from the New York State Department of Environmental Conservation (NYSDEC) dated 2 July 2010 and 3 September 2010. During the period covered by this PRR, the "Site Management Plan Tarrytown Former MGP Site, Tarrytown, NY," dated May 2006, updated January 2007 (SMP) was in force. The SMP was revised during 2010 and the August 2010 Revised SMP was accepted by the NYSDEC on 26 August 2010, at the end of this reporting period.

Sincerely yours,
HALEY & ALDRICH OF NEW YORK

Jonathan D. Babcock, P.E.
Project Manager

Vincent B. Dick
Vice President

Enclosure

c: Ferry Landings, LLC, C. Monheit
NYSDEC, George Heitzman

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PERIODIC REVIEW REPORT
PERIOD ENDING 31 AUGUST 2010
TARRYTOWN FORMER MGP SITE
TARRYTOWN, NEW YORK

by

Haley & Aldrich of New York
Rochester, New York

for

Ferry Landings, LLC
Greenwich, Connecticut

File No. 28590-019
8 October 2010

HALEY & ALDRICH

EXECUTIVE SUMMARY

This Site Management Periodic Review Report (PRR) for the period ending 31 August 2010 was prepared by Haley & Aldrich of New York (Haley & Aldrich) on behalf of Ferry Landings, LLC. During the period covered by this PRR, the "Site Management Plan Tarrytown Former MGP Site, Tarrytown, NY," dated May 2006, updated January 2007 (SMP) was in force. The SMP was revised during 2010 and the August 2010 Revised SMP was accepted by the NYSDEC on 26 August 2010, at the end of this reporting period.

This PRR provides a description of the pre-remediation and post-remediation site conditions, and provides a summary of site activities conducted under the SMP during the reporting period.

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1. OVERVIEW

This Periodic Review Report (PRR) for the Tarrytown Former Manufactured Gas Plant (MGP) Site covers the period 19 July 2009 through 31 August 2010. The Periodic Review Report Form for this period is provided in Appendix A.

In its 2 July 2010 letter, the New York State Department of Environmental Conservation (NYSDEC) requested that this Periodic Review Report (PRR) cover the period 12 November 2008 through 31 August 2010. The PRR for the period 19 July 2008 through 18 July 2009, dated 27 August 2010, was previously submitted to the NYSDEC. To address the reporting period requested by NYSDEC, the 27 August 2010 Periodic Review Report and Form are provided in Appendix B of this report. By so doing, this document encompasses the full reporting period requested by NYSDEC.

2. INTRODUCTION

This PRR narrative presents a brief summary of site history, past and current conditions, remedial actions taken, and post-remediation operations, maintenance, and monitoring. For more detailed information, the following reports prepared by Haley & Aldrich of New York (Haley & Aldrich) and previously submitted to NYSDEC may be consulted:

- Final Engineering Report Tarrytown Former MGP Site, Tarrytown, NY, 2005;
- Final Engineering Report Addendum Tarrytown Former MGP Site, Tarrytown ,NY, 2006; and
- Site Management Plan Tarrytown Former MGP Site, Westchester County, NY, August 2010, by Haley & Aldrich of New York. Approved by NYSDEC 26 August 2010.

2.1 Summary of Site, Nature of Contamination and Remedial Actions

2.1.1 Site

A site locus is given in Figure 1 and a site plan is given in Figure 2. Figure 3 presents the site layout as of 31 August 2010. The site is located on the east side of the Hudson River north of the Tappan Zee Bridge in the Village of Tarrytown, New York. Division and River Streets bound the site on the north, Railroad Avenue on the east, West Main Street on the south and the Hudson River on the west. The site encompasses approximately 20 acres, and was primarily used for industrial-commercial purposes prior to remediation. Remediation was performed between June 2004 and January 2005.

Prior to remediation, the main activities on the site were an asphalt batch plant in the northwest portion and a trucking terminal and maintenance facility in the southeast portion. The central portion of the site included a former manufactured gas plant (MGP), reportedly operated between 1873 and 1938. The MGP was last operated by the Westchester Lighting Company, which has been succeeded in ownership by Con Edison.

2.1.2 Nature of Contamination

This section presents a summary of the nature of contamination and objectives of the remedial actions for that contamination by area of interest, organized according to four areas of the site (Figure 2):

- Holder and Tar Well Area,
- Light Non-Aqueous Phase Liquid (LNAPL) Area,
- Northern Dense Non-Aqueous Liquid (DNAPL) Area, and
- Western DNAPL and Sediment Removal Area.

2.1.2.1 Holder and Tar Well Area: During site investigations in 2003, some flowing MGP DNAPL was present in Holders A, B, and C, but not in Holder D. Soils in the Tar Well Area, located south of Holder A were found to contain zones saturated with MGP DNAPL. The remedial action for this area is described in Section 2.1.3.

2.1.2.2 LNAPL Area: Measurements in 1998 and 1999 by Handex Group, Inc. identified a zone of measurable free floating LNAPL (primarily diesel fuel) in a triangular area defined by MW-2, MW-3, and MW-6. Additionally, residual contamination due to historic LNAPL releases was evident between the triangular area of free-floating LNAPL and West Main Street. April 2003 and July 2003 investigations confirmed previous data regarding residual contamination in that area. No petroleum-related

contamination was observed in the top four feet of soil in this area. The remedial action for this area is described in Section 2.1.3.

2.1.2.3 Northern DNAPL Area: The Northern DNAPL Area is located partially underneath the existing County Asphalt office building, and is approximately 500 ft long and 200 ft wide. The primary affected media in this area is soil containing discrete zones of MGP DNAPL (apparently derived from coal tar), as observed during site investigations prior to remediation in soil borings SB-7, SB-10, SB-16, and SB-19 and in monitoring wells MW-11, MW-13, and MW-26. The subject zones are located between 12 and 15 ft below ground surface (bgs) on the west side of the building and between 9 and 13 ft bgs on the east side (See Figure 1.5). The remedial action for this area is described in Section 2.1.3.

2.1.2.4 Western DNAPL and Sediment Removal Area: The Western DNAPL and Sediment Removal Area is located approximately 450 feet north of the southern site property line. The Western DNAPL Area has an east-to-west length of about 240 feet. The primary affected media in this area is soil containing discrete zones of DNAPL (apparently derived from coal tar). These soils are located between 22 and 26 feet bgs. The zone was observed during site investigations to be at the bottom of the fill, and exhibits very limited penetration of the natural soil layer.

In April 2003, borings SB-301, SB-302 and SB-303 were completed to better define the northern and southern limits of the DNAPL. The borings indicated that the width of the Western DNAPL Area, measured north to south, is less than 40 feet.

DNAPL-contaminated river sediment was also identified during site investigation prior to remediation to be west of the Western DNAPL Area within the immediately adjoining portion of the Hudson River. The contamination extended about 160 ft along the existing sea wall, and outward into the river by varying distances, up to about 120 ft. Sediment contaminated with DNAPL was identified in river borings RB-1, RB-3, RB-6 through RB-9, RB-11, RB-12, RB-15A, and RB-17 through RB-19. DNAPL contamination in the form of blebs and heavy sheens was also identified in river borings RB-2, RB-13, RB-23, and RB-24. The depth of the observed DNAPL ranged from one foot up to 8 feet below the top of sediment.

The remedial action for this area is described in Section 2.1.3.

2.1.3 Remedial Actions

The following is a summary of the Remedial Actions performed at the site:

2.1.3.1 Holder and Tar Well Area- The remediation consisted of removing the contents, walls and floor of three former MGP holders and excavation of contaminated soils adjacent to the holders, including an area believed to be associated with the former MGP tar wells. Contaminated soil and debris was taken off site to a permitted facility for disposal and the excavations were backfilled with a combination of on-site and imported fill meeting quality standards established for the project.

2.1.3.2 LNAPL Area – The remediation consisted of two parts, excavation of contaminated soil and installation of a recovery trench and skimmer system for residual floating petroleum product. Contaminated soil was taken off site to a permitted facility for disposal and the excavation was backfilled with a combination of on-site and imported fill meeting quality standards established for the project. The LNAPL recovery system was operated through September 2007. The monitoring results through August 2007 supported a request for NYSDEC approval to discontinue operation and to dismantle the system. In response, the NYSDEC agreed with the recommendation to discontinue operation of the LNAPL recovery system in its letter dated 10 September 2007. The system was subsequently dismantled and is no longer operational.

2.1.3.3 Northern DNAPL Area - The remediation consisted of installing a 360-foot long sheet pile barrier extending from about 3 feet below the ground surface, downward through the fill soils into the native clayey soils to a depth of about 22 feet below ground surface. The barrier prevents westward migration of DNAPL contained in a two to three foot thick zone generally found at the bottom of fill (9 to 15 feet below ground surface). The clayey soils impede further downward migration of the DNAPL. A 360-foot long DNAPL recovery trench, containing six DNAPL recovery wells, was constructed adjacent to the east face of the barrier.

One area of contaminated soil at the south end of the barrier was excavated and taken off site for disposal. The excavation was backfilled with a combination of on-site and imported fill meeting quality standards established for the project.

The recovery trench allows removal of DNAPL to the extent it accumulates on the east side of the barrier.

2.1.3.4 Western DNAPL and Sediment Removal Area – The remediation performed here was conceptually the same as for the Northern DNAPL Area. The remediation consisted of installing a 160-foot long sheet pile barrier extending from the river bottom at the face of the relieving platform down to bedrock. The barrier prevents westward migration of DNAPL contained in a two to three foot thick zone generally found at the bottom of fill (22 to 26 feet below ground surface).

The Western DNAPL recovery trench is 60-ft long, about 26 to 28 feet deep, and is situated about 65 feet inland from the new sheet pile barrier. The recovery trench contains 6 recovery wells. An observation well is located approximately 10-15 feet beyond each end of the recovery trench.

The Sediment Removal Area included the area beneath the relieving platform (about 160 feet by 20 feet by 4 feet deep) and an area of the river bottom running along the new sheet pile barrier and extending various distances out into the river, with a maximum extent of about 120 ft. Sediment was removed to depths ranging from about three to eight feet below the river bottom.

The containment of residual DNAPL was completed with the construction of a 4-foot thick, 20-foot wide underwater cap over the sediments found under the relieving platform. The underwater cap is located between the new sheet pile barrier, and the existing vertical timber wall at the eastern side of the relieving platform.

2.1.3.5 Construction of a Cover System - A clean soil cover was placed in areas that are not beneath structures, pavement, or other similar surfaces. The clean soil cover is a minimum two feet thick and was placed over a demarcation layer, consisting of an orange geotextile. The cover system was completed in December 2006. In its 9 January 2007 letter, NYSDEC said that it had performed a site inspection on 28 December 2006 and the letter stated "the clean soil cover was installed as required in the approved Work Plan."

2.1.3.6 Sub-Slab Soil Vapor Management Systems - Per the SMP, new buildings are to be constructed with passive sub-slab soil vapor management systems which are configured to be converted to active systems, if required by the NYSDEC or NYSDOH.

As of the end of the reporting period covered by this PRR, the sub-slab systems for Buildings 1, 2, and 3 had been completed and the systems for Buildings 4, 5, the Club House, and the Stone House were under construction. Refer also to Section 4 of this report.

2.2 Effectiveness of the Remedial Program

The remedial action, with the exception of placement of site cover, was completed in January 2005. Site cover placement was completed in October 2006. The 2005 Final Engineering Report and 2006 Final Engineering Report Addendum concluded that the remedial actions were performed in accordance with the Work Plans (and approved deviations). The Final Engineering Report was accepted by NYSDEC in its letter dated 25 May 2005 and the Final Engineering Report Addendum was accepted by NYSDEC in its letter dated 9 January 2007.

2.3 Compliance

One area of non-compliance with the SMP determined by NYSDEC is the maintenance of site cover as an engineering control in some areas of the site. Due to the construction for site development, there were parts of the site where the site cover was disturbed during the period ending 31 August 2010. The approximate extent of site cover disturbance was provided in the 1 September letter from Haley & Aldrich to NYSDEC. The disturbance included the Pierson Park construction, the swimming pool construction at the Club House, and a portion of the area north of Building 5 where two new buildings are to be constructed.

Note that risks due to potential exposure to the exposed soil are low because the soils are not grossly contaminated and because the cover is missing in construction areas, not areas generally accessible to the public. The surface soils which were not covered may be characterized as urban fill, and based on soil sampling data from various locations at the site, do not contain BTEX or PAH compounds in concentrations greater than acceptable for re-use on site. The soils are above the water table, generally non-odorous, and when detectable readings are present, they exhibit very low readings on a photo-ionization detector. Workers who are involved in excavation of the soil must wear appropriate personal protective equipment as prescribed in the NYSDEC-approved Excavation Work Plan.

In terms of rectifying the condition of disturbed site cover, the Replacement of Disturbed Site Cover Plan (RDSCP), dated January 2010 by Haley & Aldrich of New York was accepted by NYDEC in its letter dated 21 January 2010.

2.4 Recommendations

Use of the SMP and Periodic Review Reports should continue. The SMP was revised during 2010, the August 2010 Revised SMP was accepted by the on 26 August 2010 at the end of this reporting period and will be applicable to the site during the next reporting period.

3. SITE OVERVIEW

3.1 Site Location and Significant Features

Refer to Section 2.1, above.

3.2 Chronology, Cleanup Goals, and Main Features of the Remedial Program

For chronology of the remedial program, refer to Section 2.1, above. In terms of cleanup goals, as given in the August 2010 SMP, the criteria for re-use of soil on site, below site cover are:

- Total benzene, toluene, ethylbenzene, and xylenes (BTEX) must be less than 10 ppm, and
- Total polycyclic aromatic hydrocarbons (PAH) must be less than 500 ppm.

The criteria for clean soil cover are those presented in 6 NYCRR Part 375 Table 367-6.8(b) for Restricted Residential use.

The main features of the remedial program are provided in Section 2.1, above. The only change to the site remedy since the remedy was selected is the closure of the LNAPL recovery system. Refer to Section 2.1.3, above.

3.3 Site Activities During the Reporting Period

Several activities took place during the reporting period related to site construction, maintenance and the SMP, all of which are described briefly in this section.

3.3.1 Ongoing Construction Associated with Buildings 1 through 5, the Club House, and the Stone House

This work consisted primarily of structural, mechanical, electrical, interior finish and exterior finish for the buildings. Buildings 1 through 3 were completed during the reporting period and construction of the remaining buildings is ongoing. In terms of work related to the SMP, landscaping adjacent to the buildings was placed with a minimum two foot soil cover over a demarcation layer. Soil vapor management systems for Buildings 1, 2, and 3 were completed, tested and the installations were found to be satisfactory (see Section 4 of this report).

3.3.2 Construction of the Pierson Park Extension along the Hudson River Waterfront

Notice of the construction of the Pierson Park Extension within the brownfield boundary was submitted in accordance with the SMP to NYSDEC on 10 November 2009 indicating start of construction on or after 16 November 2009. NYSDEC accepted the notice via email dated 12 November 2009. Construction began as of the site meeting on 25 November 2009 and continued throughout the remainder of the reporting period. This work is being performed by Bradhurst Construction under a contract with the Village of Tarrytown.

A parcel of the brownfield site was conveyed to the Village of Tarrytown for the purpose of constructing the park. Notification of the parcel transfer was submitted to NYSDEC on 17 August 2010. NYSDEC has requested additional information related to the parcel transfer from Ferry Landings, LLC, which is being provided under separate cover by Ferry Landings.

3.3.3 Replacement of Site Cover

The Replacement of Disturbed Site Cover Plan was submitted to NYSDEC dated 15 January 2010 and accepted by NYSDEC via letter dated 21 January 2010. During the reporting period disturbed site cover was replaced in areas that were not under construction. The progress of cover replacement was reported in submittals to NYSDEC dated 20 November 2009 and 1 September 2010. The latter submittal identified site areas where the site cover remained disturbed as of 31 August 2010 due to ongoing construction.

3.3.4 Repair of Sinkholes at the Relieving Platform

In addition to the sinkhole repairs described in the PRR in Appendix B, two additional sinkholes were identified needing repair. The repair work was initiated in August 2010, was not complete at the end of the reporting period, and is ongoing as of the date of this submittal. This work is in the area of the Pierson Park construction, for the Village of Tarrytown.

3.3.5 Resolution of Past NYSDEC Site Management Concerns

Past NYSDEC Site Management concerns set forth in their notice of hearing and complaint dated 14 January 2010 were resolved by execution of a Consent Order dated 13 April 2010. To satisfy one condition of the Consent Order, the SMP for the site was revised. The revised SMP was submitted to NYSDEC and accepted via letter dated 26 August 2010.

4. REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

The remedy performance and effectiveness has been previously reported to NYSDEC in annual reports. It was also previously reported in PRRs dated August 2010, September 2009, and July 2008. The performance and effectiveness of the remedy during the reporting period continued to be similar to those previously reported. A brief synopsis of the remedy performance for this reporting period follows:

- As stated above, the LNAPL system achieved its purpose of removing practically-recoverable floating product. The system has been dismantled, with NYSDEC approval.
- The DNAPL recovery systems continue to operate as intended. Thickness of DNAPL in the recovery wells continues to be monitored and recovery is ongoing.
- As reported above, the subaqueous cap within the Hudson River was inspected per the SMP and the condition of the cap was reported to be satisfactory.
- The site cover was disturbed in parts of the site, as described in Sections 2.3 and 3.3.3, above.

Testing and evaluation of the passive sub-slab soil vapor management systems in Buildings 1, 2, and 3 was performed in the late summer of 2009, in accordance with the SMP. A detailed description of the testing, results, evaluation and conclusions is provided in a separate submittal (see References). A brief summary follows.

A separate passive soil vapor management system was installed for each residential unit in the buildings, consisting of a network of perforated pipes embedded in relatively permeable gravel covered by a minimum 20-mil thick vapor control membrane beneath the concrete floor slab. A riser pipe connected to the sub-slab piping penetrates the floor slab and is routed through the roof line to vent to the atmosphere. The testing demonstrated that the passive systems were working as designed.

The following testing and evaluations of the passive soil management systems in Buildings 1, 2, and 3 were performed in accordance with the SMP:

- Post-Construction Evaluation of the Potential For Future Exposures

  Subsurface soil vapor samples were obtained using temporary soil vapor probes inserted approximately four feet into the soil (or, if groundwater was encountered, about one foot above the water table). Samples were extracted using Summa canisters and analyzed by a NYSDOH-certified laboratory. Samples were taken using a grid pattern that included one sample location within the building footprint and one sample location each at the north, east, south and west sides of the building.

  None of the sub-slab samples taken for Buildings 1, 2, and 3 exhibited concentrations of contaminants in excess of the draft EPA Soil Gas Screening Levels. The EPA Screening Levels were used for comparison because the NYSDOH and NYSDEC have not established soil vapor guidance concentrations for petroleum compounds of interest at the site. At three locations outside the buildings' footprints, samples exhibited concentrations of contaminants that exceed the EPA Soil Gas Screening Levels: North of Building 1, West of Building 1, and East of Building 2. The presence of soil vapor having those contaminant concentrations outside the building footprint is mitigated by the passive soil vapor management systems already in place for each building.

- Post-Construction Confirmation Testing

  The post construction confirmation testing demonstrated that there was no leakage through concrete cracks, floor joints, or at floor penetrations. This was demonstrated by installing a temporary fan on each riser pipe and using smoke tubes to find leakage. Leaks that were observed during this testing, as evidenced by smoke tube vapor passing through floor cracks or penetrations, were sealed, such that smoke testing no longer indicated leakage when the temporary fan was running. In addition, after the leaks were sealed, the pressure under the floor slabs was measured with the temporary fan running. Test holes were hand-drilled in the floor and the differential pressure between the air space above the slab and the air space below the slab was measured using a micro-manometer. Negative pressure was observed in all of the test holes, indicating the system was performing as designed.

Testing and evaluation of the sub-slab vapor management systems for Buildings 4 and 5, the Club House, and Stone House was not completed during the period of this report because construction was still underway.

5. INSTITUTIONAL CONTROLS/ENGINEERING CONTROLS PLAN COMPLIANCE REPORT

5.1 Institutional Controls/Engineering Controls Requirements and Compliance

The ICs and ECs are listed and described in tabular format in Box 3 and Box 4 of the attached Institutional and Engineering Controls Certification Form.

5.2 Institutional Controls/Engineering Controls Certification

Based on the data collected, the remedial actions are effective and no changes in the monitoring program are recommended

6. MONITORING PLAN COMPLIANCE REPORT

6.1 Components of the Monitoring Plan

Monitoring requirements of the SMP include:

- Annual groundwater monitoring
- Monitoring of DNAPL observation and recovery wells during DNAPL extraction events, which occur generally on a monthly basis.
- Inspection of the subaqueous cap, scheduled for 2007 and 2012, with the frequency of inspections every five years after 2012.
- Annual site inspection.

6.2 Summary of Monitoring Completed

Monitoring has been completed, per the SMP during the reporting period, and is reported separately. During the reporting period, groundwater wells were sampled once, DNAPL wells were monitored ten times, and an annual site inspection was performed. The subaqueous cap was inspected in 2007 and is scheduled to be inspected again in 2012.

6.3 Comparison with Remedial Objectives

During the reporting period, the groundwater monitoring program exhibited no exceedances of Class GA Groundwater standards in downgradient monitoring wells, with the exception of iron and manganese in downgradient well MW-21 (12.7 and 1.54 mg/l, respectively). In comparison, the upgradient wells had higher concentrations of iron (15.7 mg/l in MW-29 and 17.2mg/l in MW-12) and upgradient well MW-29 had a similar concentration of manganese (1.45 mg/l); therefore, the concentrations of iron and manganese in MW-21 are not considered to be related to the former MGP operations.

Through the end of the reporting period, the DNAPL monitoring program shows a trend of generally declining DNAPL thickness since the beginning of the monitoring and extraction program.

Based on the 2007 inspection, the subaqueous cap performed its intended function; the next inspection is scheduled for 2012.

In terms of overall annual inspection, the ECs are in place and operating as intended, with the exception of the site cover, as discussed previously.

6.4 Monitoring Deficiencies

There were no deficiencies in the monitoring program identified during the reporting period.

6.5 Conclusions and Recommendations for Changes

Based on the data collected, the remedial actions are effective and no changes in the monitoring program are recommended

7. OPERATION AND MAINTENANCE PLAN COMPLIANCE REPORT

With the closure of the LNAPL recovery system, there are no mechanical systems that are operated or maintained at the site. Recovery of DNAPL is performed using a vacuum truck.

8. OVERALL PRR CONCLUSIONS AND RECOMMENDATIONS

8.1 Compliance with the SMP

As discussed above, the only IC/EC element that was in non-compliance during the reporting period was the site cover. The NYSDEC – approved RDSCP calls for completing the replacement of disturbed site cover by the end of August 2010.

8.2 Performance and Effectiveness of the Remedy

As described in Section 4, above, based on site monitoring data and inspections, with the exception of site cover, the remedial action is performing and is as effective as required by the SMP.

8.3 Future PRR Submittals

The current annual schedule for submitting the PRR is satisfactory. The next PRR will cover the year between 1 September 2010 and 31 August 2011.

9. COMMENTARY FOR THE PERIODIC REVIEW REPORT FORM

The PRR Form is contained in Appendix A to this report. The following commentary is organized according to the Form.

Box 1 Site Details

The contents of Box 1 are correct, as indicated in the response to Item 1 in Box 2.

Box 2 Verification of Site Details

1. The Box 1 information is correct.
2. The property was subdivided in conformance with Village of Tarrytown Site Plan Approval, which was reported in the previous PRR. As previously noted, a parcel within the Brownfield boundary was conveyed to the Village of Tarrytown in 2010. Documentation was previously provided to NYSDEC.
3. No new Federal, State and Local permits were issued during the reporting period. Documentation for the following items initiated during the reporting period of the previous PRR is provided in Appendix C. These were:
    a. Building Permits from the Village of Tarrytown for the Club House and adjacent swimming pool.
    b. For repairs to the relieving platform:
        i. Nationwide Permit from the U.S. Army Corps of Engineers.
        ii. Water Quality Certification from NYSDEC.
        iii. Coastal Zone conformance letter from the NYS Department of State.
4. During the period ending 31 August 2010, the site was under construction for the site development described in the Tarrytown Site Plan Approval. Documentation of the construction activities was previously provided to NYSDEC. The current use of the site is consistent with the restrictions for site use given in the Site Management Plan.
5. The response is “no.”
6. The response is “yes.”

Box 3 Description of Institutional Controls

The Institutional Controls listed for each of the seven parcels in Box 3 are all in place.

Box 4 Description of Engineering Controls.

A short description of the status of the Engineering Controls at the site is given on the completed PRR Form in Attachment A. Additional information is presented below; using the organization of the section of the PRR entitled “Control Description for Site No. C360064” that follows Box 4 in the PRR form. Note that Institutional Controls listed for each of the seven parcels are all in place.

Engineering Control (i)

For all parcels, the Engineering Control (i) refers to site cover requirements of the Site Management Plan (SMP). Due to the construction for site development, there were parts of the site where the site cover was disturbed during the period ending 31 August 2010. The approximate extent of site cover

disturbance was provided in the 1 September 2010 letter from Haley & Aldrich to NYSDEC. The disturbance included the Pierson Park construction, the swimming pool construction at the Club House, and a portion of the area north of Building 5 where two new buildings are to be constructed.

In terms of rectifying the condition of disturbed site cover, the Replacement of Disturbed Site Cover Plan (RDSCP), dated January 2010 by Haley & Aldrich of New York was accepted by NYSDEC in its letter dated 21 January 2010. Under the RDSCP, the disturbed cover was replaced, with the exceptions noted above, by the end of August, 2010.

Engineering Control (ii)

For all parcels, the Engineering Control (ii) refers to the soil vapor management for buildings required in the SMP. For parcel 1-P-20, soil vapor management systems were completed and confirmation testing was performed. For Parcel 1-P-15 and 1-P-21 vapor management systems were under construction for all of the buildings that were under construction. When the buildings are completed the vapor management systems will be in place per the SMP. For parcels 1-P-22, 1-P-23, 1-P-24, and 1-P-24A no buildings were under construction and so there are no vapor management systems in place or necessary.

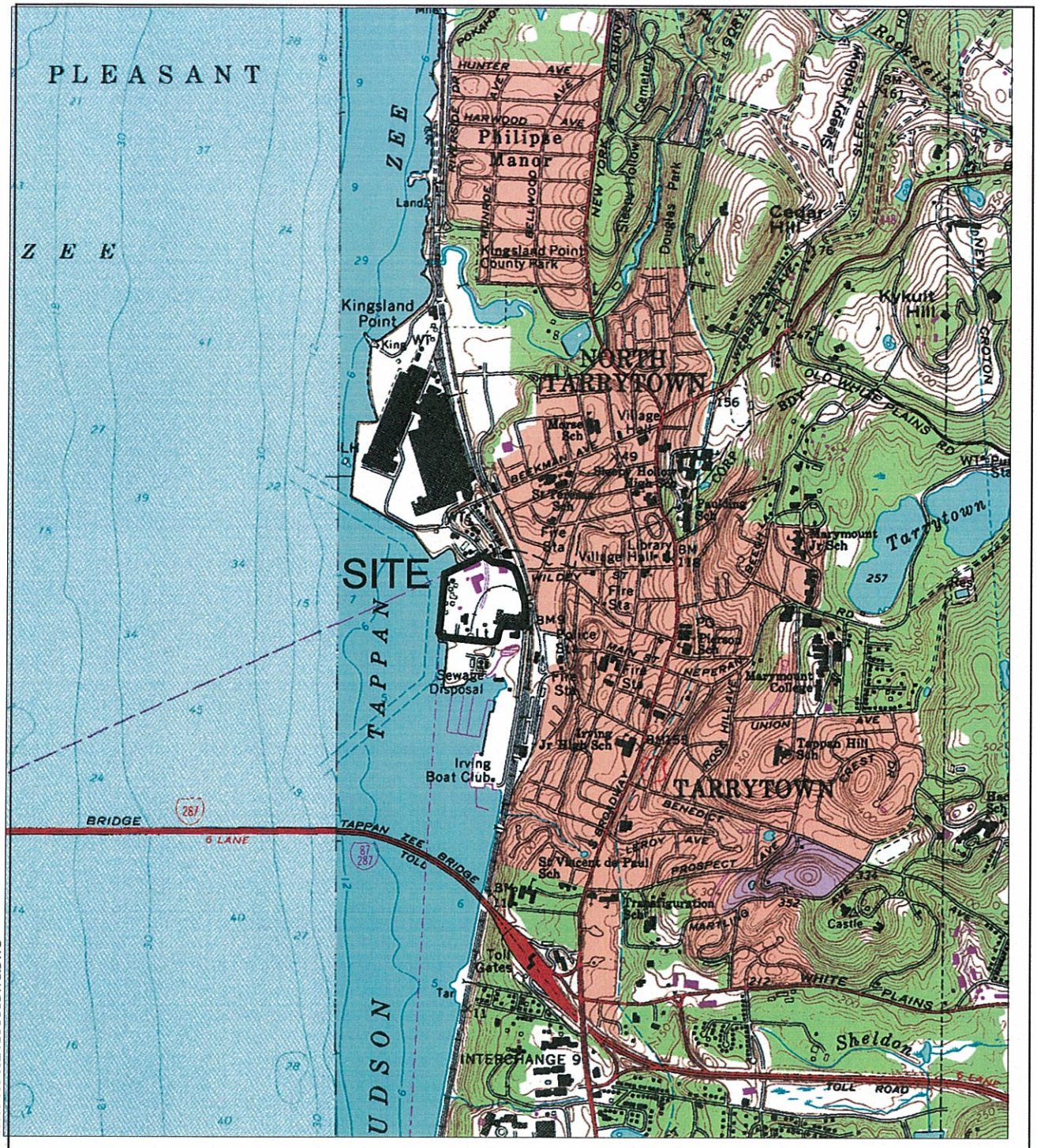
Engineering Control (iii)

For parcels 1-P-22, 1-P-23, and 1-P-24, Engineering Control (iii) refers to the Northern DNAPL Recovery System. For parcel 1-P-21, Engineering Control (iii) refers to the Western DNAPL Recovery System. Both of these systems are in place and functioning per the SMP.

For parcel 1-P-20, Engineering Control (iii) refers to the LNAPL Recovery System. In its letter dated 10 September 2007, NYSDEC agreed to discontinue operation of the LNAPL Recovery System. Thereafter, the system was dismantled and is no longer in place or functional.

Box 5 Periodic Review Report (PRR) Certification Statements

1. The response is "no" due because the site cover was disturbed in areas of the site due to construction activities during the period ending 31 August 2010 (see Box 4).
2. (a) The response is "no" because the site cover was disturbed in areas of the site due to construction activities during the period ending 31 August 2010
   (b) The response is "no" because the site cover was disrupted due to construction during the period ending 31 August 2010 (see Box 4).
   (c) The response is "yes," NYSDEC has access to the site.
   (d) The response is "no" due because the site cover was disturbed in areas of the site due to construction activities during the period ending 31 August 2010. Any other concerns were resolved by the 13 April 2010 Consent Order.
   (e) This does not apply; there is no financial assurance mechanism required.
3. The response is "no" because the sites cover was disturbed during the period ending 18 July 2009, as previously described. Also the LNAPL Recovery System was dismantled with NYSDEC approval after 10 September 2007.
4. The response is "yes;" the monitoring set forth in the Site Management Plan was performed.



QUADRANGLE LOCATION: WHITE PLAINS, N.Y.

HALEY & ALDRICH

TARRYTOWN FORMER MGP SITE
TARRYTOWN, NEW YORK
FERRY LANDINGS, LLC
NYSDEC SITE NO. C360064

SITE LOCUS

SCALE: AS SHOWN
AUGUST 2010

FIGURE 1

G:\PROJECTS\285900000 RA WORK PLAN\DRAWINGS\285590-000-002A LOCUSDWG.DWG

NOTES:

1. BASE PLAN ILLUSTRATING EXISTING SITE STRUCTURES , FEATURES, EXISTING EXPLORATIONS AND EXTENT OF IMPACTED AREAS DERIVED FROM PARSONS ENGINEERING SCIENCE, INC., FIGURE 3-1 ENTITLED "TOTAL BTEX CONCENTRATIONS IN SOIL SAMPLES, SUPPLEMENTAL INVESTIGATION TARRYTOWN SITE" DATED 28 SEPTEMBER 2000.

LEGEND:

- MW-28 PROPOSED MONITORING WELL
- SV-1 PROPOSED SOIL VAPOR PROBE
- SB-301 PROPOSED BORING TO CHECK DNAPL LIMITS - 28'
- SL-4 PROPOSED SLAM BAR SOIL VAPOR SAMPLE LOCATION
- MW-01 MONITORING WELL LOCATIONS
- SB-01 SOIL BORING LOCATIONS
- RB06 RIVER BORING LOCATION
- GT-2 GEOTECHNICAL BORING LOCATION
- ES-1 RIVER MEASURING POINT
- TP03 TEST PIT LOCATIONS
- G-207 GEOPROBE BORINGS CONDUCTED BY RETEC IN OCTOBER 1996
- SB-202 SOIL BORINGS CONDUCTED BY RETEC IN OCTOBER 1996
- B-2 GEOTECHNICAL BORINGS CONDUCTED BY COUNTY ASPHALT IN MARCH 1998
- FORMER STRUCTURES
- BUILDINGS
- **LNAPL AREA - LIMITS OF MEASURABLE FLOATING LNAPL**
- **PROPOSED RECOVERY WELL LOCATION**
- **PROPOSED DNAPL OBSERVATION WELL**
- ZONES SATURATED WITH MGP DNAPL
- LENSES SATURATED WITH MGP DNAPL
- 58/4 APPROX. LOCATIONS OF SOIL GAS SAMPLES PERFORMED BY METCALF & EDDY, DATED DECEMBER 1990. 58/4=SAMPLE#/PID RESULTS IN PPM.
- B5 APPROX. LOCATIONS OF SOIL SAMPLE BORINGS PERFORMED BY METCALF & EDDY, DATED DECEMBER 1990. B5=PROBE NO.
- 120 APPROX. LOCATIONS OF SOIL PROBES PERFORMED BY METCALF & EDDY, DATED DECEMBER 1994. 120=PROBE NO.

EXISTING RETAINING WALL
DIVISION STREET
HUDSON RIVER
NORTHERN DNAPL RECOVERY TRENCH
BARRIER SHEET PILE
2 STORY CONCRETE BLK. BLDG.
CONC. BLK. BLDG.
COUNTY ASPHALT PLANT
±PROPERTY LINE
PARCEL P-13 EXCLUDED FROM VOLUNTARY CLEANUP AGREEMENT
PARCEL P-14 EXCLUDED FROM VOLUNTARY CLEANUP AGREEMENT
NORTHERN DNAPL AREA
WESTERN DNAPL AREA
PREVIOUSLY RECONSTRUCTED RETAINING WALL
APPROXIMATE LIMITS OF WESTERN DNAPL SEDIMENT EXCAVATION
LIMITS NORTHERN DNAPL EXCAVATION
LIMITS OF HOLDER A AND TAR WELL EXCAVATION
LIMITS OF HOLDER B & C EXCAVATION
HOLDER AREA
HOLDER A
HOLDER B
HOLDER C
HOLDER D
FORMER MGP OPERATING AREA
NEW YORK CENTRAL RAILROAD
RAILROAD AVENUE
BRIDGE
LIMITS OF WESTERN NDAPL RECOVERY TRENCH
WESTERN DNAPL SHEET PILE BARRIER
RIVER SEDIMENT AREA
APPROXIMATE LOCATION OF FORMER RECOVERY TRENCH
GARAGE
CORRUGATED METAL QUONSET HUT
FORMER MANHOLE FP-1
FORMER COMPRESSOR SHED
FORMER MANHOLE FP-2
WOODEN FENCE
TAR WELL AREA
OFFICES
MAINTENANCE GARAGE
BULK OIL/GAS STORAGE TANKS
LIMITS OF FORMER LNAPL RECOVERY TRENCH
LNAPL AREA
(LIMITS OF MEASURABLE FLOATING LNAPL)
LIMITS OF LNAPL EXCAVATION
MAIN STREET
WEST MAIN STREET
BARRIER OIL
OIL TANKS

0 60 120 180 240
APPROXIMATE SCALE IN FEET

HALEY & ALDRICH

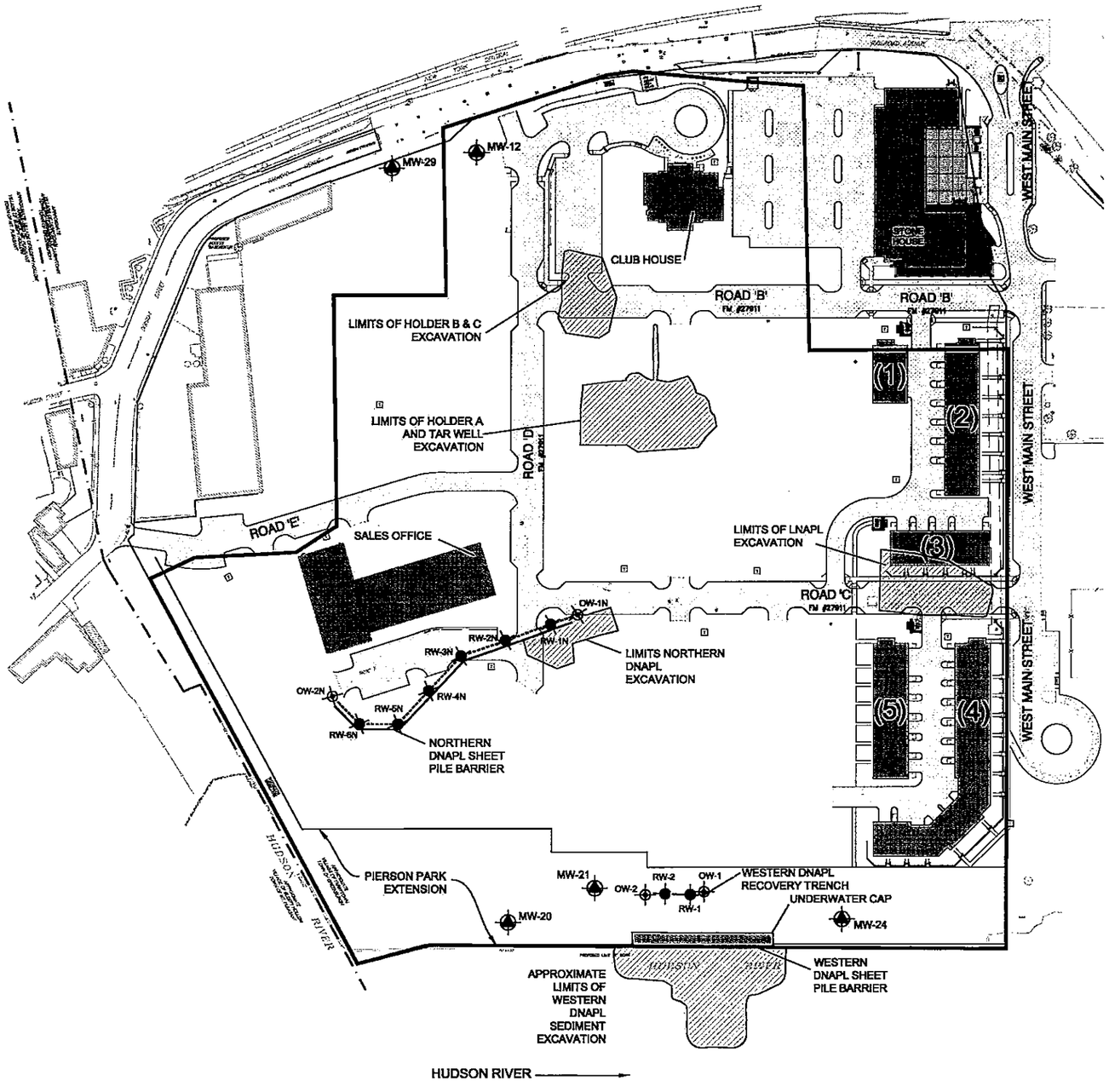
TARRYTOWN FORMER MGP SITE
TARRYTOWN, NEW YORK
FERRY LANDINGS, LLC
NYSDEC SITE NO. C360064

SITE PLAN

SCALE: AS SHOWN
AUGUST 2010

FIGURE 2

G:\PROJECTS\28590\000 RA WORK PLAN\JUNE CONCEPT PLAN\DRAWINGS JUNE CONCEPT PLAN\FIG2 SITE PLAN.DWG



LEGEND:

- GROUNDWATER MONITORING WELL
- DNAPL RECOVERY WELL
- DNAPL OBSERVATION WELL
- APPROXIMATE AREA ENCOMPASSED BY THE BROWNFIELD CLEAN-UP AGREEMENT #C360064
- ROADS AND PARKING AREAS
- (5) BUILDING NUMBER

NOTES:

1. BASEMAP BASED ON cad DRAWING ENTTILED "PH1_10399-08_PHASE.DWG" DATED 1 JULY 2009 FROM CHAZEN COMPANIES OF GLENN FALLS, NEW YORK

N E S W

0 80 160 240 320
SCALE IN FEET

HALEY& ALDRICH

TARRYTOWN FORMER MGP SITE
TARRYTOWN, NEW YORK
FERRY LANDINGS, LLC
NYSDEC SITE NO. C360064

SITE PLAN 2010

SCALE: AS SHOWN
JUNE 2010

FIGURE 3

Z:\PROJECTS\285590017 SITE DEVELOPMENT SERVICES\CAD\CHAZEN\ SITE PLAN 2009\285590-017-0028 2009 SITE PLAN.DWG

APPENDIX A

Periodic Review Report Form

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. C360064

Site Name CE - Tarrytown MGP

Site Address: 129 West Main Street Zip Code: 10591
City/Town: Tarrytown
County: Westchester
Allowable Use(s) (if applicable, does not address local zoning): Restricted-Residential, Commercial, and Industrial
Site Acreage: 20.0
Owner: Ferry Investments, LLC
485 West Putnam Avenue, Greenwich, CT 06830

Reporting Period: November 12, 2008 to August 19, 2010

Verification of Site Details **Box 2**

	YES	NO
1. Is the information in Box 1 correct?	☒	☐
If NO, are changes handwritten above or included 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?	☒	☐
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	☒	
3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☒	☐
If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification?	☒	
4. If use of the site is restricted, is the current use of the site consistent with those restrictions?	☒	☐
If NO, is an explanation included with this certification?	☐	
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 regarding offsite contamination are no longer valid?	☐	☒
If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	☐	
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)?	☒	☐
If NO, are changes in the assessment included with this certification?	☐	

SITE NO. C360064 **Box 3**

Description of Institutional Controls

Parcel	Institutional Control
S_B_L Image: **1-P15**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P-20**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P-24**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P24A**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P21**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P-23**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan
S_B_L Image: **1-P-22**	Ground Water Use Restriction Landuse Restriction O&M Plan Site Management Plan

Note:
The institutional controls listed for each of the seven parcels are all in place.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
S_B_L Image: **1-P15**	Cover System 1 Vapor Mitigation 2
S_B_L Image: **1-P-20**	Cover System 1 Vapor Mitigation 3
S_B_L Image: **1-P-24**	Cover System 1 DNAPL ~~Leachate~~ Collection Subsurface Barriers Vapor Mitigation 4
S_B_L Image: **1-P24A**	Cover System 1 Vapor Mitigation 4
S_B_L Image: **1-P21**	Cover System 1 DNAPL ~~Leachate~~ Collection Vapor Mitigation 2

Notes:

1. Cover system has been disrupted due to construction of underground utilities, roads parking lots, building pads, and building construction.
2. During the period ending8/31/10 vapor management systems were under construction for building 4 & 5, the Stone House, and the Club House.
3. Vapor mitigation systems in Buildings 1, 2, & 3 were completed during the reporting period and are operational.
4. Buildings, and therefore vapor management systems were not under construction during the reporting period.

Parcel		Engineering Control	
S_B_L Image: **1-P-23**			
		Cover System	1
	DNAPL	~~Leachate~~ Collection	
		Vapor Mitigation	4
S_B_L Image: **1-P-22**			
		Cover System	1
	DNAPL	~~Leachate~~ Collection	
		Subsurface Barriers	
		Vapor Mitigation	2

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

Control Description for Site No. C360064

Parcel: 1-P-20

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the LNAPL Recovery System depicted in Figure 2 as set forth in Section 3 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P-22

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted in Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Control Description for Site No. C360064

Parcel: 1-P-23

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven,.4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P-24

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of the approved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P15

Inst. Controls: (i)Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance.
(ii)The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i)In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii)A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

Control Description for Site No. C360064

Parcel: 1-P21

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance.(ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and

(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

(iii) Operate and maintain the Western DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P24A

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of the approved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and

(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

Box 5

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 compete.

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
☐	☒

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

   I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

YES	NO
☐	☒

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

   I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES	NO
☒	☐

Note: For explanations refer to the Periodic Review Report.

IC CERTIFICATIONS
SITE NO. C360064

Box 6

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 CARL MONHEIT at 485 WEST PUTNAM AVENUE GREENWICH CT 06830
print name print business address

am certifying as OWNERS Designated Representative (Owner or Remedial Party)

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

Signature of Owner or Remedial Party Rendering Certification — Date: 10/8/10

IC/EC CERTIFICATIONS

Box 7

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) 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 Jonathan D. Babcock at Haley & Aldrich, 200 Town Centre Dr. Suite 2 Rochester NY 14623
print name print business address

am certifying as a Qualified Environmental Professional for the Owner

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

Jonathan D. Babcock, P.E.
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification

Stamp (if Required)

Date: 10/8/10

APPENDIX B

Periodic Review Report
Period 19 July 2008 through 18 July 2009

Haley & Aldrich of New York
200 Town Centre Drive
Suite 2
Rochester, NY 14623-4264

Tel: 585.359.9000
Fax: 585.359.4650
HaleyAldrich.com

27 August 2010
File No. 28590-018

Bureau of Construction Services
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7013

Attention: Lech Dolata
Project Manager

Subject: Tarrytown Former MGP Site
Site Management Periodic Review Report – Period Ending 18 July 2009
Brownfield Cleanup Agreement No. C3600064

Ladies and Gentlemen:

On behalf of Ferry Landings, LLC, Haley & Aldrich has prepared this Site Management Periodic Review Report (PRR) for the period ending 18 July 2009. During the period covered by this PRR, the "Site Management Plan Tarrytown Former MGP Site, Tarrytown, NY," dated May 2006, updated January 2007 (SMP) was in force. This letter transmits the completed PRR form (Attachment A) and provides documentation supporting the PRR.

This letter has two parts. The first part is a narrative prepared in according to the "Periodic Review Report General Guidance' contained in the 2 July 2010 letter from the New York State Department of Environmental Conservation (NYSDEC) to Ferry Landings, LLC. The second part provides supplemental information for the PRR and is generally organized by Box numbers from the PRR form.

PART ONE

Part One is organized according to the "Periodic Review Report General Guidance," cited above.

This PRR narrative presents a brief summary of site history, past and current conditions, remedial actions taken, and post-remediation operations, maintenance, and monitoring. For more detailed information, consult the following reports prepared by Haley & Aldrich of New York (Haley & Aldrich) and previously submitted to NYSDEC;

- Final Engineering Report Tarrytown Former MGP Site, Tarrytown, NY, 2005;
- Final Engineering Report Addendum Tarrytown Former MGP Site, Tarrytown ,NY, 2006; and
- Site Management Plan Tarrytown Former MGP Site, Westchester County, NY, August 2010, by Haley & Aldrich of New York. Approval by NYSDEC is pending; this will supersede the 2007 SMP cited above.

I. Introduction

A. Summary of Site, Nature of Contamination and Remedial Actions

1. Site

A site locus is given in Figure 1 and a site plan is given in Figure 2. The site is located on the east side of the Hudson River north of the Tappan Zee Bridge in the Village of Tarrytown, New York. Division and River Streets bound the site on the north, Railroad Avenue on the east, West Main Street on the south and the Hudson River on the west. The site encompasses approximately 20 acres, and was primarily used for industrial-commercial purposes prior to remediation. Remediation was performed between June 2004 and January 2005.

Prior to remediation, the main activities on the site were an asphalt batch plant in the northwest portion and a trucking terminal and maintenance facility in the southeast portion. The central portion of the site included a former manufactured gas plant (MGP), reportedly operated between 1873 and 1938. The MGP was last operated by the Westchester Lighting Company, which has been succeeded in ownership by Con Edison.

2. Nature of Contamination

This section presents a summary of the nature of contamination and objectives of the remedial actions for that contamination by area of interest, organized according to four areas of the site (Figure 2):

- Holder and Tar Well Area,
- Light Non-Aqueous Phase Liquid (LNAPL) Area,
- Northern Dense Non-Aqueous Liquid (DNAPL) Area, and
- Western DNAPL and Sediment Removal Area.

Holder and Tar Well Area: During site investigations, some flowing MGP DNAPL was present in Holders A, B, and C, but not in Holder D. Soils in the Tar Well Area, located south of Holder A were found to contain zones saturated with MGP DNAPL. The remedial action for this area is described in Section I.A.3.

LNAPL Area: Measurements in 1998 and 1999 by Handex Group, Inc. identified a zone of measurable free floating LNAPL (primarily diesel fuel) in a triangular area defined by MW-2, MW-3, and MW-6 . Additionally, residual contamination due to historic LNAPL releases was evident between the triangular area of free-floating LNAPL and West

Main Street. April 2003 and July 2003 investigations confirmed previous data regarding residual contamination in that area. No petroleum-related contamination was observed in the top four feet of soil in this area. The remedial action for this area is described in Section I.A.3.

Northern DNAPL Area: The Northern DNAPL Area is located partially underneath the existing County Asphalt office building, and is approximately 500 ft long and 200 ft wide. The primary affected media in this area is soil containing discrete zones of MGP DNAPL (apparently derived from coal tar), as observed in soil borings SB-7, SB-10, SB-16, and SB-19 and in monitoring wells MW-11, MW-13, and MW-26. The subject zones are located between 12 and 15 ft below ground surface (bgs) on the west side of the building and between 9 and 13 ft bgs on the east side (See Figure 1.5). The remedial action for this area is described in Section I.A.3.

Western DNAPL and Sediment Removal Area: The Western DNAPL and Sediment Removal Area is located approximately 450 feet north of the southern site property line. The Western DNAPL Area has an east-to-west length of about 240 feet. The primary affected media in this area is soil containing discrete zones of DNAPL (apparently derived from coal tar). These soils are located between 22 and 26 feet bgs. The zone was observed at the bottom of the fill, and exhibits very limited penetration of the natural soil layer.

In April 2003, borings SB-301, SB-302 and SB-303 were completed to better define the northern and southern limits of the DNAPL. The borings indicated that the width of the Western DNAPL Area, measured north to south, is less than 40 feet.

DNAPL-contaminated river sediment was also identified west of the Western DNAPL Area within the immediately adjoining portion of the Hudson River. The contamination extended about 160 ft along the existing sea wall, and outward into the river by varying distances, up to about 120 ft. Sediment contaminated with DNAPL was identified in river borings RB-1, RB-3, RB-6 through RB-9, RB-11, RB-12, RB-15A, and RB-17 through RB-19. DNAPL contamination in the form of blebs and heavy sheens was also identified in river borings RB-2, RB-13, RB-23, and RB-24. The depth of the observed DNAPL ranged from one foot up to 8 feet below the top of sediment.

The remedial action for this area is described in Section I.A.3.

3. Remedial Actions

The following is a summary of the Remedial Actions performed at the site:

Holder and Tar Well Area: The remediation consisted of removing the contents, walls and floor of three former MGP holders and excavation of contaminated soils adjacent to the holders, including an area believed to be associated with the former MGP tar wells. Contaminated soil and debris was taken off site to a permitted facility for disposal and the excavations were backfilled with a combination of on-site and imported fill meeting quality standards established for the project.

LNAPL Area: The remediation consisted of two parts, excavation of contaminated soil and installation of a recovery trench and skimmer system for residual floating petroleum product. Contaminated soil was taken off site to a permitted facility for disposal and the excavation was backfilled with a combination of on-site and imported fill meeting quality standards established for the project. The LNAPL recovery system was operated through September 2007. The monitoring results through August 2007 supported a request for NYSDEC approval to discontinue operation and to dismantle the system. In response, the NYSDEC agreed with the recommendation to discontinue operation of the LNAPL recovery system in its letter dated 10 September 2007. The system was subsequently dismantled and is no longer operational.

Northern DNAPL Area: The remediation consisted of installing a 360-foot long sheet pile barrier extending from about 3 feet below the ground surface, downward through the fill soils into the native clayey soils to a depth of about 22 feet below ground surface. The barrier prevents westward migration of DNAPL contained in a two to three foot thick zone generally found at the bottom of fill (9 to 15 feet below ground surface). The clayey soils impede further downward migration of the DNAPL. A 360-foot long DNAPL recovery trench, containing six DNAPL recovery wells, was constructed adjacent to the east face of the barrier.

One area of contaminated soil at the south end of the barrier was excavated and taken off site for disposal. The excavation was backfilled with a combination of on-site and imported fill meeting quality standards established for the project.

The recovery trench allows removal of DNAPL to the extent it accumulates on the east side of the barrier.

Western DNAPL and Sediment Removal Area: The remediation performed here was conceptually the same as for the Northern DNAPL Area. The remediation consisted of installing a 160-foot long sheet pile barrier extending from the river bottom at the face of the relieving platform down to bedrock. The barrier prevents westward migration of DNAPL contained in a two to three foot thick zone generally found at the bottom of fill (22 to 26 feet below ground surface).
The Western DNAPL recovery trench is 60-ft long, about 26 to 28 feet deep, and is situated about 65 feet inland from the new sheet pile barrier. It is situated within a zone of DNAPL fill soils that is two to three feet thick and about 40 feet wide located at the bottom of the fill on top of the native soils.
The Sediment Removal Area included the area beneath the relieving platform (about 160 feet by 20 feet by 4 feet deep) and an area of the river bottom running along the new sheet pile barrier and extending various distances out into the river, with a maximum extent of about 120 ft. Sediment removal depths ranged from about three to eight feet.

The containment of residual DNAPL was completed with the construction of a 4-foot thick, 20-foot wide underwater cap over the sediments found under the relieving platform. The underwater cap is located between the new sheet pile barrier, and the existing vertical timber wall at the eastern side of the relieving platform.

Construction of a Cover System: A clean soil cover was placed in areas that are not beneath structures, pavement, or other similar surfaces. The clean soil cover is a minimum two feet thick and was placed over a demarcation layer, consisting of an orange geotextile. ~~The cover system was completed in the fall of 2006.~~

Deleted per 9/3/10 NYSDEC Letter

Sub-slab Soil Vapor Management Systems: Per the SMP, new buildings are to be constructed with passive sub-slab soil vapor management systems which are configured to be converted to active systems, if required by the NYSDEC or NYSDOH. As of the end of the reporting period covered by this PRR, none of the sub-slab systems had been completed; all of the new buildings were still under construction during the reporting period.

B. Effectiveness of the Remedial Program

The remedial action, with the exception of placement of site cover, was completed in January 2005. Site cover placement was completed in October 2006. The 2005 Final Engineering Report and 2006 Final Engineering Report Addendum concluded that the remedial actions were performed in accordance with the Work Plans (and approved

deviations). The Final Engineering Report was accepted by NYSDEC in its letter dated 25 May 2005 and the Final Engineering Report Addendum was accepted by NYSDEC in its letter dated 9 January 2007.

C. Compliance

One area of non-compliance with the SMP determined by NYSDEC is the maintenance of site cover as an engineering control in some areas of the site.Due to the construction for site development, there were parts of the site where the site cover was disturbed during the period ending 19 July 2009. The approximate extent of site cover disturbance was provided in the 17 July 2008 letter from Haley & Aldrich to NYSDEC. The disturbance included the footprint and adjacent areas of five buildings under construction, as well as underground utility trenches (water, sanitary sewer, storm drain, etc.) and road construction for the planned site development. Once completed, the constructed buildings and adjacent paved roads, driveways and sidewalks act as site cover, as described in the SMP. Landscaped areas require placement of a demarcation layer and two feet of clean soil cover. By 18 July 2009, the landscaped areas and pavement adjacent to Buildings 1 through 4 had been completed. The underground utilities are predominantly under existing and future roads, so the ultimate site cover for the utility trenches will be pavement, consistent with the SMP. Roads A, B, C, part of D, and E were completed by 18 July 2009. As of 18 July 2009, cover materials, including pavement for roads, were not entirely in place where the cover had been previously disturbed.

Note that risks due to potential exposure to the exposed soil are low because the soils are not grossly contaminated and because the cover is missing in construction areas, not generally accessible to the public. The surface soils which were not covered may be characterized as urban fill, and based on soil sampling data from various locations at the site, do not contain BTEX or PAH compounds in concentrations greater than acceptable for re-use on site. The soils are above the water table, generally non-odorous, and exhibit very low readings on a photo-ionization detector. Workers who are involved in excavation of the soil must wear appropriate personal protective equipment as prescribed in the NYSDEC-approved Excavation Work Plan.

In terms of rectifying the condition of disturbed site cover, the Replacement of Disturbed Site Cover Plan (RDSCP), dated January 2010 by Haley & Aldrich of New York was accepted by NYDEC in its letter dated 21 January 2010. Under the RDSCP, the disturbed cover is to be replaced by the end of August, 2010.

D. Recommendations

Use of the SMP and Periodic Review Reports should continue. Approval of the 2010 SMP is pending with NYSDEC and should be implemented upon final approval.

II. S

ite Overview

A. Site Location and Significant Features

Refer to Section I.A., above.

B. Chronology, Cleanup Goals, and Main Features of Remedial Program

For chronology of the remedial program, refer to Section I.A., above. In terms of cleanup goals, as given in the August 2010 SMP the criteria for re-use of soil on site, below site cover are:

- Total benzene, toluene, ethylbenzene, and xylenes (BTEX) must be less than 10 ppm, and
- Total polycyclic aromatic hydrocarbons (PAH) must be less than 500 ppm.

The criteria for clean soil cover are those presented in 6 NYCRR Part 375 Table 367-6.8(b) for Restricted Residential use.

The main features of the remedial program are provided in Section I.A., above. The only change to the site remedy since the remedy was selected is the closure of the LNAPL recovery system. Refer to Section I.A.3, above.

III. Remedy Performance, Effectiveness, and Protectiveness

The remedy performance and effectiveness has been previously reported to NYSDEC in annual reports. It was also previously reported in PRRs dated 2009 and 2008. The performance and effectiveness of the remedy during the reporting period continued to be the same as previously reported. A brief synopsis of the remedy performance for this reporting period follows:

- As reported above, the LNAPL system achieved its purpose of removing practically-recoverable floating product. The system has been dismantled, with NYSDEC approval.
- The DNAPL recovery systems continue to operate as intended. Thickness of DNAPL in the recovery wells continues to be monitored and recovery is ongoing.
- The subaqueous cap was inspected per the SMP and the condition of the cap was reported to be satisfactory.
- The site cover was disturbed in parts of the site, as described in Section I.C., above.

During the reporting period, a condition of concern related to the effectiveness of the remedy was identified, a corrective action plan was prepared, and the corrective action was completed, and was accepted by NYSDEC. The condition of concern was related to the installation of underground utilities in limited areas of residually-contaminated soil near or below the water table at the site. In its 5 May 2008 letter, NYSDEC expressed concern that:

- There could be potential off-site migration of residually contaminated groundwater via the relatively permeable pipe bedding and backfill, and

- Standard rubber water line gaskets may degrade in soil and/or groundwater residually contaminated by non-aqueous phase liquids (NAPL).

In response, a Pipeline Installation Corrective Action Plan, dated 8 July 2008 was prepared by Haley & Aldrich, which was accepted by NYSDEC in its letter dated 24 July 2008. The work was performed between 12 August and 19 December 2008 by the site contractor Etre Associates. Three types of installations were completed in accordance with the Corrective Action Plan:

- In areas identified as potentially having exposure to NAPL compounds, previously installed water pipe was replaced with pipe having nitrile butadiene rubber (nitrile) gaskets and sand-cement mortar joint encasements.
- New water pipe was installed in the identified areas with nitrile gaskets and sand-cement mortar joint encasements.
- Bentonite-concrete trench cut off collars were installed on storm drain and sanitary sewer lines to prevent off-site groundwater migration within the pipe bedding and backfill.

The completed corrective action work was documented in the 3 March 2009 letter prepared by Haley & Aldrich and was accepted by NYSDEC via email dated 16 March 2009. Note that the water system was not in service before or during the corrective action work. The water system construction was accepted by the Westchester County Department of Health via correspondence dated 30 April 2009.

IV. Institutional Controls / Engineering Controls Plan Compliance Report

A. Institutional Controls/ Engineering Controls (IC/EC) Requirements and Compliance

The ICs and ECs are listed and described in tabular format in Box 3 and Box 4 of the attached Institutional and Engineering Controls Certification Form.

B. Institutional Controls / Engineering Controls Certification

Refer to the attached Institutional and Engineering Controls Certification Form for certification related to the IC/EC.

V. Monitoring Plan Compliance Report

A. Components of the Monitoring Plan

Monitoring requirements of the SMP include:

- Annual groundwater monitoring
- Monitoring of DNAPL observation and recovery wells during DNAPL extraction events, which occur generally on a monthly basis.
- Inspection of the subaqueous cap, scheduled for 2007 and 2012, with the frequency of inspections every five years after 2012.

- Annual site inspection.

B. Summary of Monitoring Completed

Monitoring has been completed, per the SMP during the reporting period, and is reported separately. During the reporting period, groundwater wells were sampled once, DNAPL wells were monitored twelve times, and an annual site inspection was performed. The subaqueous cap was inspected in 2007 and is scheduled to be inspected again in 2012.

C. Comparison with Remedial Objectives

During the reporting period, the groundwater monitoring program exhibited no exceedances of Class GA Groundwater standards in downgradient monitoring wells, with the exception of iron in downgradient well MW-21 (1.32 mg/l). Because the upgradient wells had even higher concentrations of iron (52.75 mg/l in MW-29 and 7.14 mg/l in MW-12), the concentration of iron in MW-21 is not considered to be related to the former MGP operations.

Through the end of the reporting period, the DNAPL monitoring program shows a trend of generally declining DNAPL thickness since the beginning of the monitoring and extraction program. Based on the 2007 inspection, the subaqueous cap performed its intended function; the next inspection is scheduled for 2012. In terms of overall annual inspection, the ECs are in place and operating as intended, with the exception of the site cover, as discussed previously.

D. Monitoring Deficiencies

There were no deficiencies in the monitoring program identified during the reporting period.

E. Conclusions and Recommendations for Changes

Based on the data collected, the remedial actions are effective and no changes in the monitoring program are recommended

VI. Operation & Maintenance Plan Compliance Report

A. Components of the Operations & Maintenance Plan

With the closure of the LNAPL recovery system, there are no mechanical systems that are operated or maintained at the site. Recovery of DNAPL is performed using a vacuum truck.

VII. Overall PRR Conclusions and Recommendations

A. Compliance with the SMP

As discussed above, the only IC/EC element that was in non-compliance during the reporting period was the site cover. The NYSDEC – approved RDSCP calls for completing the replacement of disturbed site cover by the end of August 2010. Potential new exposure pathways were identified related to the water line installation and corrective action was completed as described above.

B. Performance and Effectiveness of the Remedy

As described in Section III, above, based on site monitoring data and inspections, with the exception of site cover, the remedial action is performing and is as effective as required by the SMP.

C. Future PRR Submittals

The current annual schedule for submitting the PRR is satisfactory. We recommend consideration be given to having the PRR completed within a shorter time after the end of the reporting period than is currently the case.

PART TWO

We suggest the reader of Part Two have a copy of the Amended PRR form at hand for reference; the format below follows the PRR.

Box 1 Site Details

The contents of Box 1 are correct, as indicated in the response to Item 1 in Box 2.

Box 2 Verification of Site Details

1. The Box 1 information is correct.
2. The property was subdivided in conformance with Village of Tarrytown Site Plan Approval, which was reported in the previous PRR. As of the end of the reporting period, additional subdivision or change of ownership has not taken place.
3. Federal, State and Local permits were issued during the reporting period: Documentation is provided in Appendix B. These were:
    a. Building Permits from the Village of Tarrytown for the Club House and adjacent swimming pool.
    b. For repairs to the relieving platform:
        i. Nationwide Permit from the U.S. Army Corps of Engineers.
        ii. Water Quality Certification from NYSDEC.
        iii. Coastal Zone conformance letter from the NYS Department of State.

4. During the period ending 18 July 2009, the site was under construction for the site development described in the Tarrytown Site Plan Approval. Documentation of the construction activities was previously provided to NYSDEC.. The current use of the site is consistent with the restrictions for site use given in the Site Management Plan.
5. The response is "no."
6. The response is "yes."

Box 3 Description of Institutional Controls

The Institutional Controls listed for each of the seven parcels in Box 3 are all in place.

Box 4 Description of Engineering Controls.

A short description of the status of the Engineering Controls at the site is given on the completed PRR in Attachment A. Additional information is presented below; using the organization of the section of the PRR entitled "Control Description for Site No. C360064" that follows Box 4 in the PRR form. Note that Institutional Controls listed for each of the seven parcels are all in place.

Engineering Control (i)

For all parcels, the Engineering Control (i) refers to site cover requirements of the Site Management Plan (SMP). Due to the construction for site development, there were parts of the site where the site cover was disturbed during the period ending 19 July 2009. The approximate extent of site cover disturbance was provided in the 17 July 2008 letter from Haley & Aldrich to NYSDEC, and remained essentially the same during the reporting period. The disturbance included the footprint and adjacent areas for the remaining three buildings under construction, as well as underground utility trenches (water, sanitary sewer, storm drain, etc.) and road construction for the planned site development. During the reporting period additional site cover was placed in the areas adjacent to Buildings 1 through 4. This consisted primarily of paved roads and parking lots. Two feet of clean imported soil cover was placed over a demarcation fabric in landscaping areas adjacent to the buildings. Once completed, the constructed buildings and adjacent paved roads, driveways and sidewalks act as site cover, as described in the SMP. Landscaped areas require placement of a demarcation layer and two feet of clean soil cover. The underground utilities are predominantly under future roads, so the ultimate site cover for the utility trenches will be pavement, consistent with the SMP.

In terms of rectifying the condition of disturbed site cover, the Replacement of Disturbed Site Cover Plan (RDSCP), dated January 2010 by Haley & Aldrich of New York was accepted by NYDEC in its letter dated 21 January 2010. Under the RDSCP, the disturbed cover is to be replaced by the end of August, 2010.

Engineering Control (ii)

For all parcels, the Engineering Control (ii) refers to the soil vapor management for buildings required in the SMP. For parcels 1-P-15, 1-P-20, and 1-P-21 vapor management systems were under construction for all of the buildings that were under construction. When the buildings are completed

the vapor management systems will be in place per the SMP. For parcels 1-P-22, 1-P-23, 1-P-24, and 1-P-24A no buildings were under construction and so there are no vapor management systems in place or necessary.

Engineering Control (iii)

For parcels 1-P-22, 1-P-23, and 1-P-24, Engineering Control (iii) refers to the Northern DNAPL Recovery System. For parcel 1-P-21, Engineering Control (iii) refers to the Western DNAPL Recovery System. Both of these systems are in place and functioning per the SMP.

For parcel 1-P-20, Engineering Control (iii) refers to the LNAPL Recovery System. In its letter dated 10 September 2007, NYSDEC agreed to discontinue operation of the LNAPL Recovery System. Thereafter, the system was dismantled and is no longer in place or functional.

Box 5 Periodic Review Report (PRR) Certification Statements

1. The response is "no" due because the site cover was disturbed in areas of the site due to construction activities during the period ending 18 July 2009 (see Box 4).
2. (a) The response is "no" because the site cover was disturbed in areas of the site due to construction activities during the period ending 18 July 2009
   (b) The response is "no" because the site cover was disrupted due to construction during the period ending 18 July 2009 (see Box 4).
(d) ~~(c)~~ In its letters to Ferry Landings, LLC and Con Edison dated 21 March, 25 April, and 18 June 2008, NYDEC alleged certain violations relative to the implementation of the Site Management Plan. Responses were provided in letters dated 8 April, 15 June, and 8 July 2008 from Haley & Aldrich. Ferry Landings, LLC and Haley & Aldrich continued to cooperate with NYSDEC on these matters during the reporting period. As reported in the PRR for the reporting period ending 18 July 2008, the technical concerns presented in the NYSDEC letters have been rectified.
(c) ~~(d)~~ The response is "yes," NYSDEC has access to the site.
   (e) This does not apply; there is no financial assurance mechanism required.
3. ~~2.~~ The response is "no" because the sites cover was disturbed during the period ending 18 July 2009, as previously described. Also the LNAPL Recovery System was dismantled with NYSDEC approval after 10 September 2007.
4. ~~3.~~ The response is "yes;" the monitoring set forth in the Site Management Plan was performed.

Numbering errors corrected. JDB 10/8/10

Summary and Closure

Due to the disturbed condition of the site cover, the certification statement numbers 1, 2 and 3 in Box 5 of the Amended PRR form were marked "no." Within 45 day of completing the elements of the plan, a new PRR must be submitted to NYDEC with certifications.

Please contact us if you require additional information.

Sincerely yours,
HALEY & ALDRICH OF NEW YORK

Jonathan D. Babcock, P.E.
Project Manager

Vincent B. Dick
Vice President

Figures:

Figure 1. Site Locus
Figure 2. Site Plan

Attachments:

A. Completed Periodic Review Report Form
B. Copies of Permits and Approvals

c: Ferry Landings, LLC, C. Monheit
NYSDEC, George Heitzman

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ATTACHMENT A

Completed Periodic Review Report Form

Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form

Period Ending 7/18/09

Site Details **Box 1**

Site No. C360064

Site Name CE - Tarrytown MGP

Site Address: 129 West Main Street Zip Code: 10591

City/Town: Tarrytown

County: Westchester

Allowable Use(s) (if applicable, does not address local zoning): Restricted-Residential, Commercial, and Industrial

Site Acreage: 20.0

Verification of Site Details	**Box 2** YES	NO
1. Are the Site Details above, correct?	☒	☐
If NO, are changes handwritten above or included on a separate sheet?	☐	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the last certification?	☐	☒
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	☐	
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?	☒*	☐
If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification?	☒*	
4. If use of the site is restricted, is the current use of the site consistent with those restrictions?	☒	☐
If NO, is an explanation included with this certification?	☐	
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 regarding offsite contamination are no longer valid?	☐	☒
If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	☐	
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)?	☒	☐
If NO, are changes in the assessment included with this certification?	☐	

* See attached letter.

SITE NO. C360064 **Box 3**

Description of Institutional Controls

Parcel	Institutional Control	Notes:
S_B_L Image: **1-P15**		
	Ground Water Use Restriction	The institutional controls
	Landuse Restriction	listed for each of the
	Soil Management Plan	seven parcels are all in place.
S_B_L Image: **1-P-20**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	
S_B_L Image: **1-P-24**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	
S_B_L Image: **1-P24A**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	
S_B_L Image: **1-P21**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	
S_B_L Image: **1-P-23**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	
S_B_L Image: **1-P-22**		
	Ground Water Use Restriction	
	Landuse Restriction	
	Soil Management Plan	

Box 4

Description of Engineering Controls

Parcel	Engineering Control	Notes	Notes:
S_B_L Image: **1-P15**			
	Cover System	1	Also see attached letter.
	Vapor Mitigation	2	
S_B_L Image: **1-P-20**			
	Cover System	1	1. Cover system has been disrupted
	Vapor Mitigation	2	due to construction of undergound utilities
S_B_L Image: **1-P-24**			roads, parking lots, building pads, and
	Cover System	1	building construction.
	DNAPL Collection		
	Subsurface Barriers		2. During the period ending 7/18/09
	Vapor Mitigation	3	vapor management systems were under
S_B_L Image: **1-P24A**			construction for buildings 1 through 5,.
	Cover System	1	the Stone House and Club House.
	Vapor Mitigation	3	
S_B_L Image: **1-P21**			3. Buildings, and therefore vapor
	Cover System	1	management systems were not under
	DNAPL Collection		construction for this parcel during period
	Vapor Mitigation	2	7/18/09.
S_B_L Image: **1-P-23**			
	Cover System	1	
	DNAPL Collection		
	Vapor Mitigation	3	
S_B_L Image: **1-P-22**			
	Cover System	1	
	DNAPL Collection		
	Subsurface Barriers	3	

Parcel

Engineering Control
Vapor Mitigation

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

Control Description for Site No. C360064

Parcel: 1-P-20

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the LNAPL Recovery System depicted in Figure 2 as set forth in Section 3 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P-22

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted in Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P-23

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable

guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P-24

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of the approved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. (iii) Operate and maintain the Northern DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P15

Inst. Controls: (i)Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance.
(ii)The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i)In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii)A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

Parcel: 1-P21

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance.(ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of theapproved Site Management Plan , must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and
(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

Control Description for Site No. C360064

(iii) Operate and maintain the Western DNAPL Recovery System depicted on Figure 2 as set forth in Section 2 of OM&MP which is Apendix A to the approved Site Management Plan.

Parcel: 1-P24A

Inst. Controls:(i) Any proposed soil excavation on the Controlled Property below the 2 foot cover or below the demarcation layer requires prior notification to the NYSDEC in accordance with the approved Site Management Plan. Excavated soil must be managed, characterized, and properly disposed in accordance with the approved Site Management Plan and applicable regulations and/or guidance. (ii) The use of untreated groundwater for any purpose is not permitted.

Eng. Controls: (i) In areas not proposed for future building construction or impervious covering, residually contaminated soils on the Controlled Property that meet backfill criteria as stipulated in Section 3.4 of the approved Site Management Plan, must be covered by a demarcation layer consisting of an orange, non-woven, 4 oz/sy geotextile and must be covered with 2 feet of clean imported fill material. This barrier must be maintained as per the approved Site Management Plan; and

(ii) A passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings within the Controlled Property shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation, conducted in accordance with the applicable guidance in effect at the time of the investigation. If the results of this SVI investigation demonstrate ineffectiveness of the existing passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained.

Box 5

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 compete.

	YES	NO
See Box 4	☐	☒*

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
The site cover was disturbed due to construction curing the period ending 7/18/09.	☐	☒*

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

   I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

	YES	NO
The site cover was disturbed due to construction during the period ending 7/18/09. The LNAPL recovery system was dismantled with NYSDEC approval after 9/10/07.	☐	☒*

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

   I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

	YES	NO
The LNAPL recovery system was dismantled with NYSDEC approval after 9/10/07.	☒	☐

* See attached letter.

*

IC CERTIFICATIONS
SITE NO. C360064

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 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 Vorcon Cotter at Ferry Landings LLC 465 West Putnam Avenue Greenwich, CT 06830 Greenwich, Connecticut 06830,
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 or Remedial Party Rendering Certification — Date: 8/26/10

IC/EC CERTIFICATIONS

Box 7

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) 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 Jonathan D. Babcock at Haley & Aldrich of New York 200 Town Centre Dr Ste 2 Rochester NY 14623 Haley & Aldrich, 200 Town Centre Dr., Suite 2, Rochester, New York 14623
print name Jonathan D. Babcock print business address

am certifying as a Qualified Environmental Professional for the Owner owner

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

Jonath D. Babcock P.E.
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification

Stamp (if Required)

Date: 8/26/10

* See attached letter.

APPENDIX C

Copies of Permits and Approvals

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

MAY 05 2009

REPLY TO
ATTENTION OF:
Regulatory Branch-Eastern Permits Section

SUBJECT: Permit Application Number NAN- 2009-00353-ESQ
by Carl Monheit

Carl Monheit
485 West Putnam Avenue
Greenwich, Conneticuit

Dear Mr. Monheit:

On April 1, 2009, the New York District Corps of Engineers received a request for Department of the Army authorization for the maintenance and repair of an existing 100 foot-long concrete relieving platform and concrete seawall/bulkhead. The site is located in the Town of Tarrytown, Westchester County, New York.

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3. The nationwide permits are prescribed as an Issuance of Nationwide Permits in the Federal Register dated March 12, 2007 (FR Vol. 72, No. 47). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 3, Section C, any applicable New York District regional conditions, the following special condition(s), and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

1) **The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

Please note that this nationwide permit (NWP) verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at:

http://www.usace.army.mil/CECW/Documents/cecwo/reg/rgls/rgl08-02.pdf

This verification is valid for a period of two years from the date of this letter, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid for two years from the date of this letter if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity. All of the existing NWPs are scheduled to be modified, reissued, or revoked March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued.

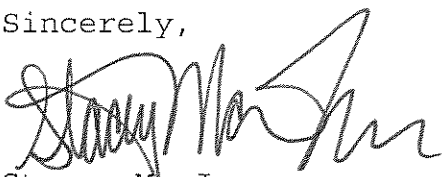
This authorization is conditional on the applicant's receipt of the required water quality certificate or waiver from the New York State Department of Environmental Conservation (NYSDEC). No work may be accomplished until the required approval from NYSDEC has been obtained.

This authorization is conditional on the applicant's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYSDOS). No work may be accomplished until the required approval from NYSDOS has been obtained.

Within 30 days of the completion of the activity authorized by this permit, and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

If any questions should arise concerning this matter, please contact Sophia Squires, of my staff, at (917) 790 -8401.

Sincerely,



Stacey M. Jensen
Acting Chief,
Eastern Permits Section

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Carl Monheit	File Number: NAN-2009-00353-ESQ	Date: MAY 05 2009

Attached is:		See Section Below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

•ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the New York District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.

•OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the New York District Engineer. Your objections must be received by the New York District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the New York District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the New York District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

•ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the New York District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

•APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the Division Engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the Division Engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

•ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

•APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the New York District Engineer.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Richard L. Tomer U.S. Army Corps of Engineers, New York District Jacob K. Javits Federal Building New York, NY 10278-0090 (917) 790-8510	If you only have questions regarding the appeal process you may also contact: Michael G. Vissichelli, Administrative Appeals Review Officer North Atlantic Division, U.S. Army Engineer Division Fort Hamilton Military Community General Lee Avenue, Building 301 Brooklyn, NY 11252-6700 (718) 765-7163 E-mail: Michael.G.Vissichelli@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

MAY 0 5 2009

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 1, 2009

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Carl Monheit, 485 West Putnam Avenue, Greenwich Conneticuit 06830

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:NAN-2009-00353-ESQ

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State:New York County/parish/borough: Westchester City: Tarrytown

Center coordinates of site (lat/long in degree decimal format): Lat. -73.82908° **Pick List**, Long. 41.05947° **Pick List**.

Universal Transverse Mercator:

Name of nearest waterbody: Hudson River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Hudson River

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: May 1, 2009

☐ Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:Site Map of Project Location in Tarrytown, New York.

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.

☐ U.S. Geological Survey map(s). Cite scale & quad name: .

☐ USDA Natural Resources Conservation Service Soil Survey. Citation:

.

☐ National wetlands inventory map(s). Cite name: .

☐ State/Local wetland inventory map(s): .

☐ FEMA/FIRM maps: .

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date):Aerial Photo of Project Location in Tarrytown, New York.
or ☒ Other (Name & Date):Site Photos of Project Location in Tarrytown, New York.

☐ Previous determination(s). File no. and date of response letter: .

☐ Other information (please specify): .

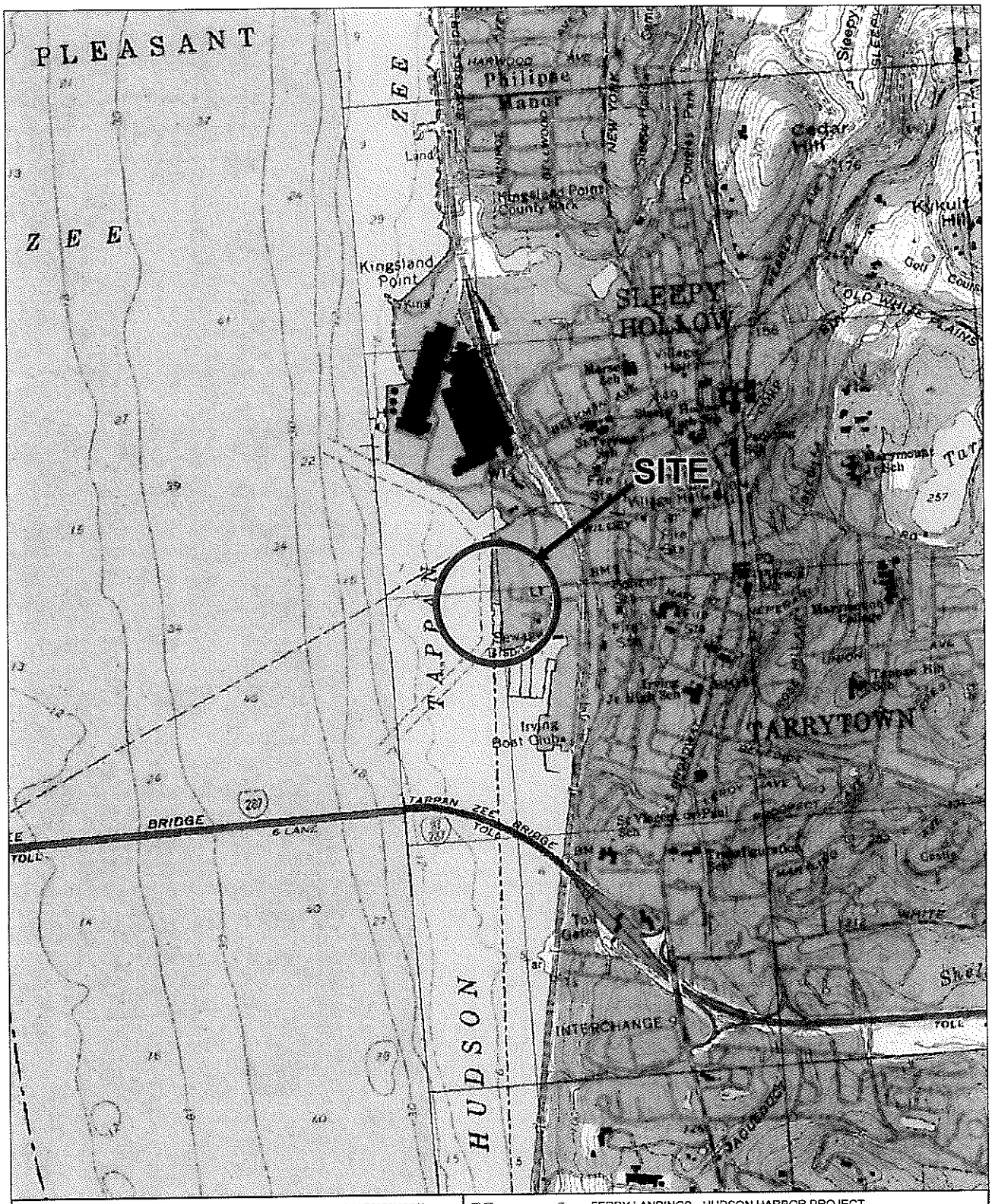
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Sophia Agnew 5/11/04

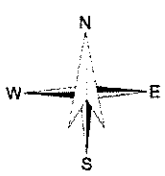
Signature and date of
Legal Instruments Examiner
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

MAY 0 5 2009



SITE COORDINATES:41°4'45"N 73°52'10"W



U.S.G.S. QUADRANGLE: WHITE PLAINS, NY

HALEY& ALDRICH

FERRY LANDINGS - HUDSON HARBOR PROJECT
RELIEVING PLATFORM MAINTENANCE
TARRYTOWN, NEW YORK

PROJECT LOCUS

SCALE: 1:24,000
MARCH 2009

FIGURE 1

28590-018 1.PDF

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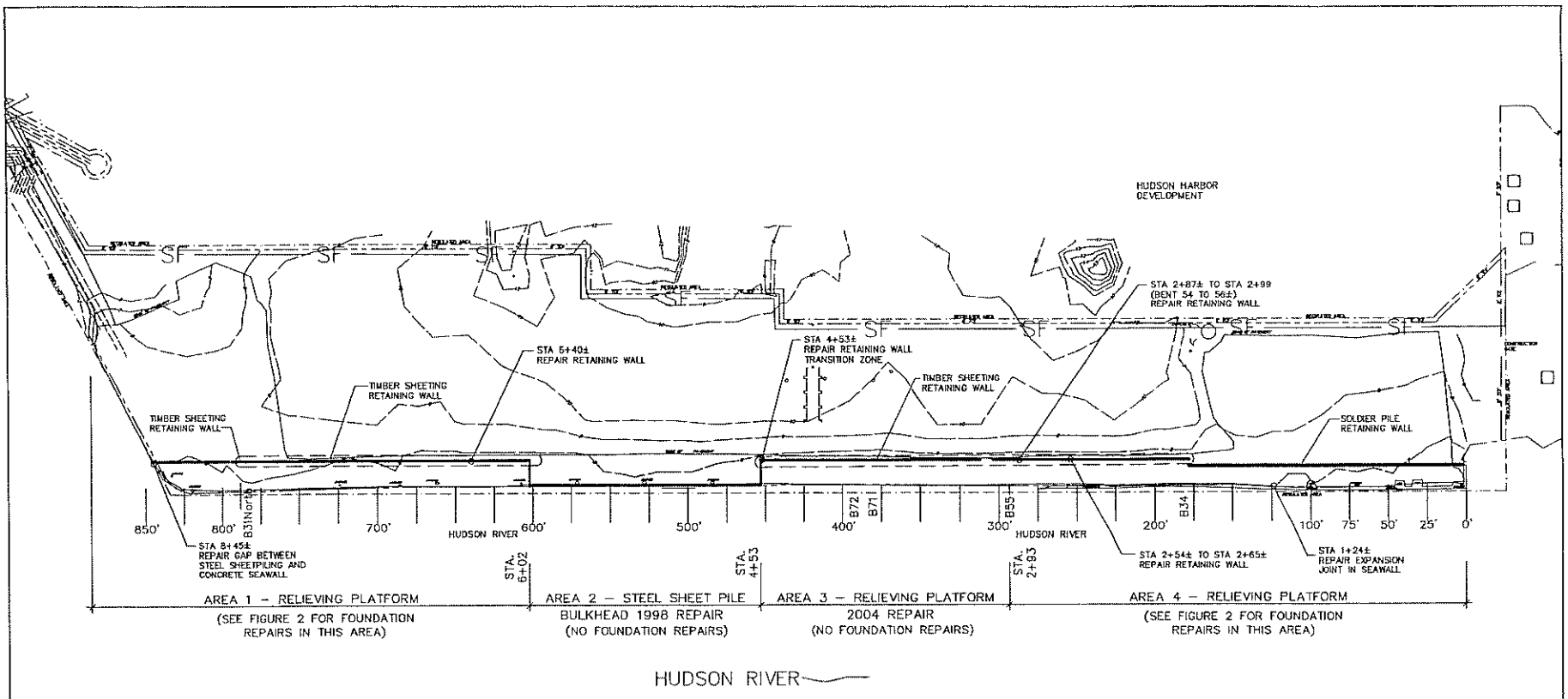
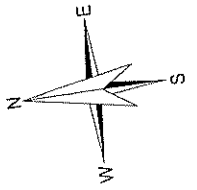


NOTE:

1. BASE PLAN EXTRACTED FROM RGR LANDSCAPE - DEMOLITION AND REMOVALS PLAN.
2. APPROXIMATE STATIONING AND BENT (B) LOCATIONS FROM McLAREN ENGINEERING GROUP, PIERSON PARK NORTH WALKWAY DRAWING NO. 1, 20 AUGUST, 2008.



0 50 100
SCALE IN FEET

HALEY & ALDRICH

RELIEVING PLATFORM REPAIRS
FERRY LANDINGS - HUDSON HARBOR
TARRYTOWN, NEW YORK

RELIEVING PLATFORM PLAN

SCALE: AS SHOWN
MARCH 2009

FIGURE 2

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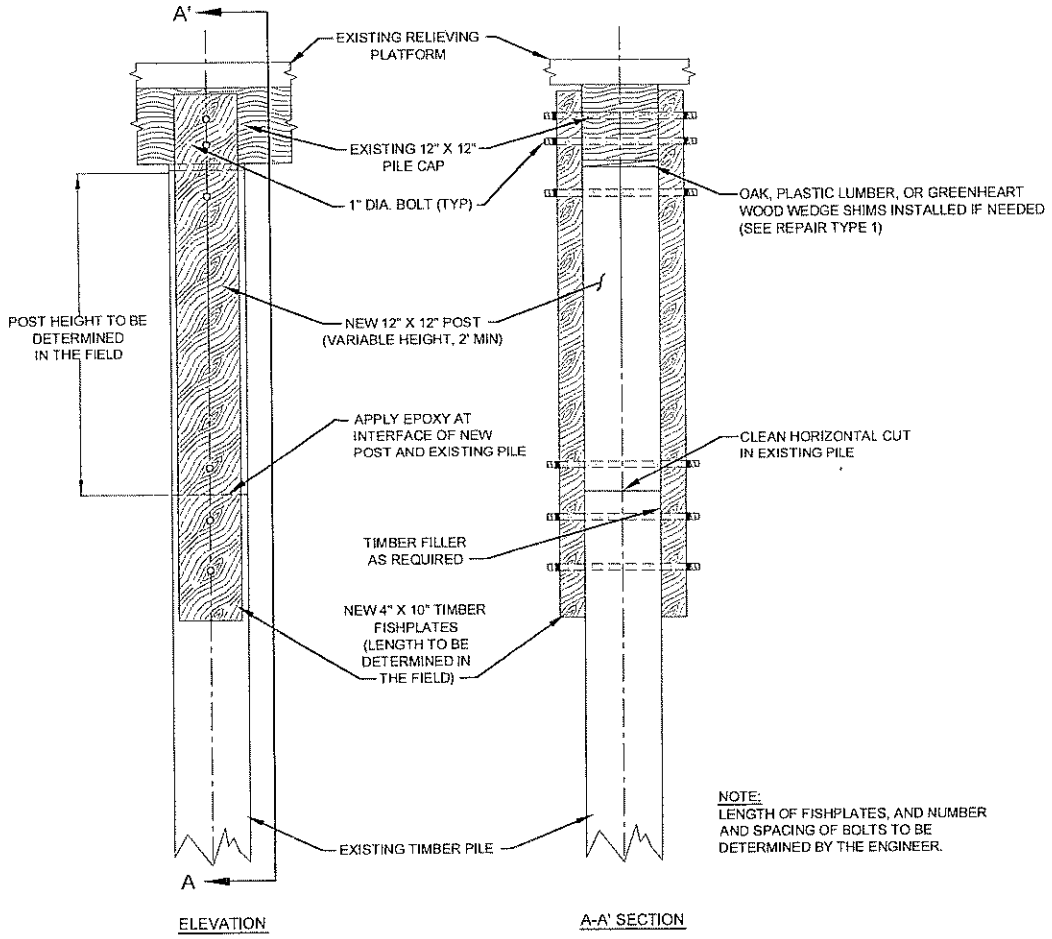
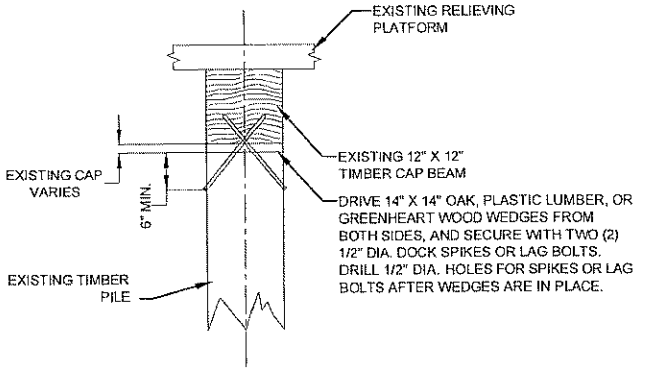
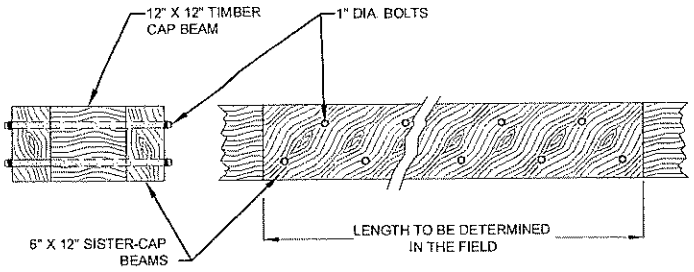


REPAIR TYPE 2 - PLUMB POST PILE
NOT TO SCALE

NOTE:
LENGTH OF FISHPLATES, AND NUMBER AND SPACING OF BOLTS TO BE DETERMINED BY THE ENGINEER.



REPAIR TYPE 1 - SHIM TIMBER PILE
NOT TO SCALE



REPAIR TYPE 3 - PILE CAP REINFORCEMENT / SPLICE
NOT TO SCALE

HALEY & ALDRICH

RELIEVING PLATFORM REPAIRS
FERRY LANDINGS - HUDSON HARBOR
TARRYTOWN, NEW YORK

PILE AND CAP
TYPICAL DETAILS

SCALE: AS SHOWN
MARCH 2009

FIGURE 3

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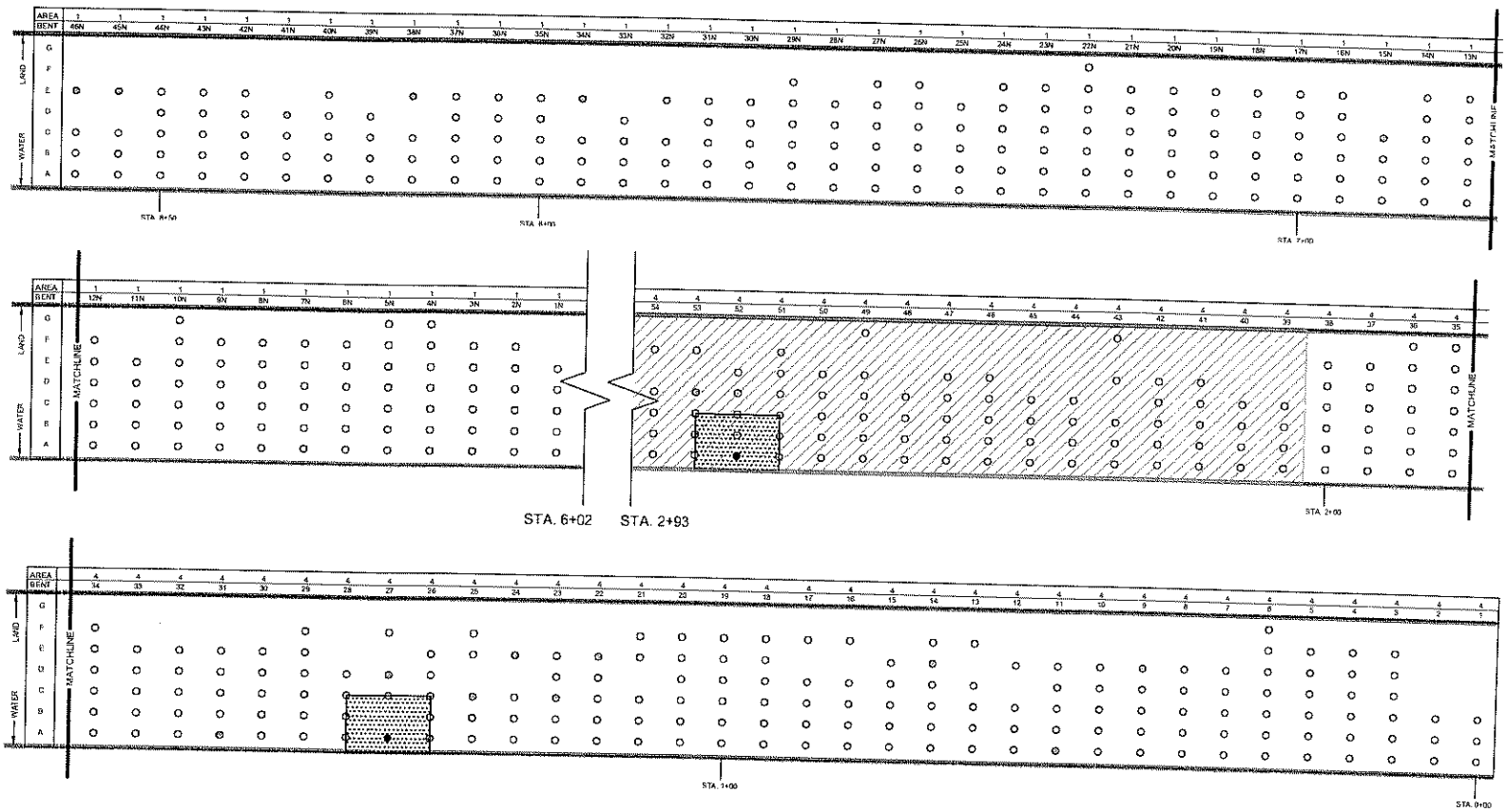


PILE LOCATION SCHEMATIC
NOT TO SCALE

LEGEND:

- ○ POSSIBLE LOCATIONS REQUIRING SHIMMING (SEE TYPE 1 REPAIR)
- ◍ POSSIBLE LOCATIONS REQUIRING REPAIR (SEE TYPE 2 REPAIR)
- ● POSSIBLE LOCATIONS REQUIRING NEW PILES
- ◎ POSSIBLE LOCATIONS REQUIRING ADDITIONAL INSPECTION OR SOME CORRECTIVE WORK, BUT NOT REPLACEMENT

- AREAS OF POSSIBLE STRUCTURAL BRACING IN LIEU OF PILE REPLACEMENT
- AREA OF NEW DECKING

NOTES:

1. PILE LOCATION SCHEMATIC IS NOT TRUE TO SCALE. SPACING BETWEEN PILES AND BENT ROWS OF PILES VARIES IN THE FIELD.
2. LOCATION AND CONDITION OF PILES WILL NEED TO BE VERIFIED IN THE FIELD.
3. PILES REQUIRING SHIMMING OR REPAIR WILL NEED TO BE VERIFIED IN THE FIELD.
4. REPAIR DETAILS ARE PRELIMINARY, FOR INFORMATION ONLY AND NOT INTENDED FOR CONSTRUCTION.
5. REPAIR DETAILS DEPICTED ARE REPRESENTATIVE OF THE KINDS OF REPAIRS. FINAL DESIGN DETAILS MAY DEVIATE FROM THOSE SHOWN.
6. THE STATION NUMBERS ARE APPROXIMATE.

HALEY & ALDRICH

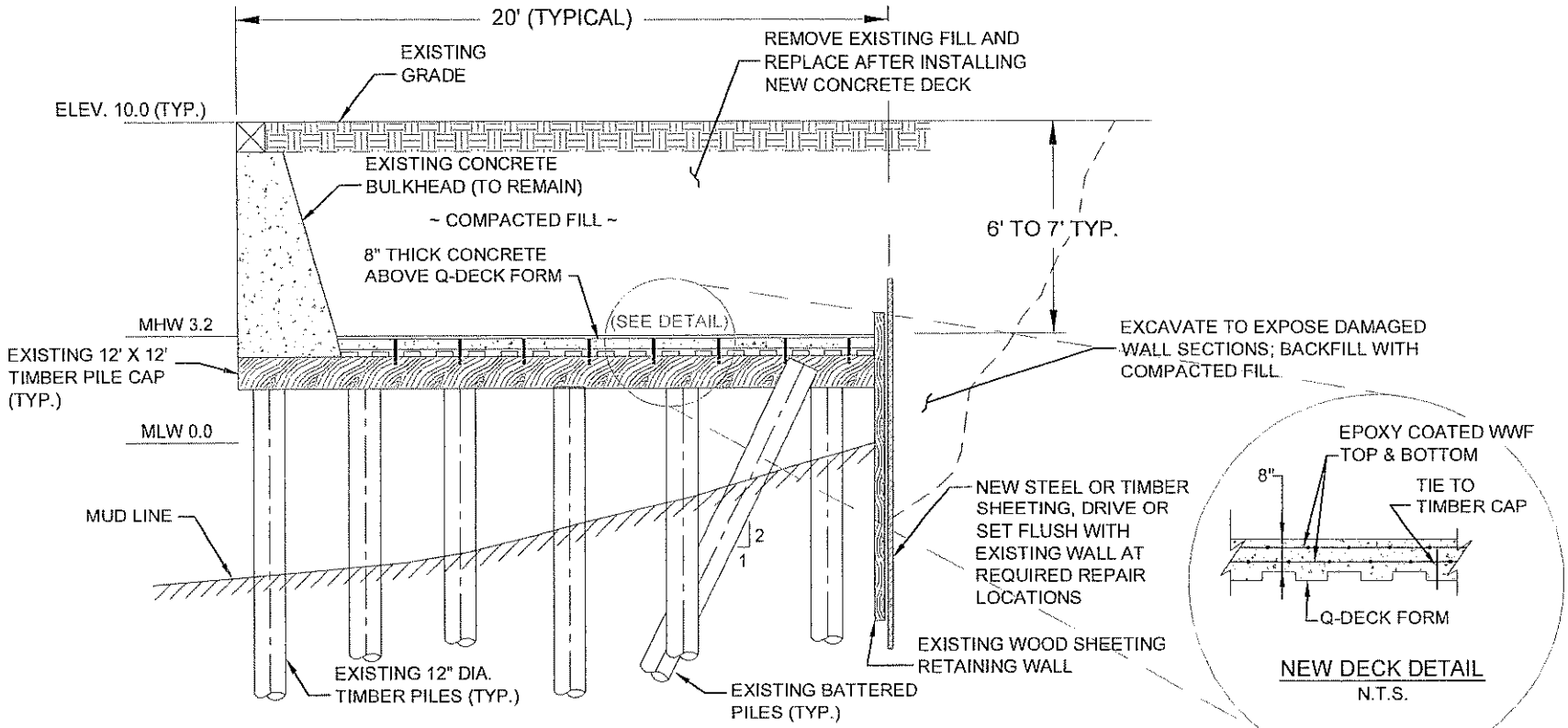
RELIEVING PLATFORM REPAIRS
FERRY LANDINGS - HUDSON HARBOR
TARRYTOWN, NEW YORK

LOCATION OF POTENTIAL PILE AND CAP REPAIRS

SCALE: AS SHOWN
MARCH 2009

FIGURE 4

G:\28590\GLOBAL\CAD\DRAWINGS\28590-018-003D.DWG



TYPICAL SECTION - NEW CONCRETE DECK AND RETAINING WALL REPAIR
APPROXIMATELY STA. 2+03 TO 2+93
N.T.S.

HALEY & ALDRICH

RELIEVING PLATFORM REPAIRS
FERRY LANDINGS - HUDSON HARBOR
TARRYTOWN, NEW YORK

TYPICAL DECK REPAIR SECTION

SCALE: AS SHOWN
MARCH 2009

FIGURE 5

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:
CENAN-OP-RH

NATIONWIDE PERMIT COMPLIANCE CERTIFICATION AND REPORT FORM

Permittee: Carl Monheit Permit No. NAN-2009-00353-ESQ

Date Permit Issued: MAY 05 2009

Location: Town of Tarrytown , Westchester County, New York

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-RH
New York, New York 10278-0090

B. Nationwide Permits

1. *Aids to Navigation.* The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). (Section 10)

2. *Structures in Artificial Canals.* Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Section 10)

3. *Maintenance.* (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of and within existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the district engineer under separate authorization. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer.

(c) This NWP also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation or beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). Where maintenance dredging is proposed, the pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

4. *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.* Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and

General Regional Conditions:
These conditions apply to ALL Nationwide Permits.

A. Construction Best Management Practices (BMP's): Unless specifically approved otherwise, the following BMP's must be implemented to minimize erosion, migration of sediments, and adverse environmental impacts. Note that at a minimum, all erosion and sediment control practices must be designed, installed and maintained in accordance with the latest version of the *"New York Standards and Specifications for Erosion and Sediment Control"*. This document is available at: http://www.dec.state.ny.us/website/dow/toolbox/escstandards/.

1. All synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be used as permanent measures, or if used temporarily, may be abandoned in place.

2. Materials which are temporarily sidecast or stockpiled into waters of the United States must be backfilled or removed to an upland area within 30 days of the date of deposition.

3. Dry stream crossing methods (e.g., diversion, dam and pump, flume, bore) shall be utilized for culvert or other pipe, or utility installations to reduce downstream impacts from turbidity and sedimentation. This may require piping or pumping the stream flow around the work area and the use of cofferdams.

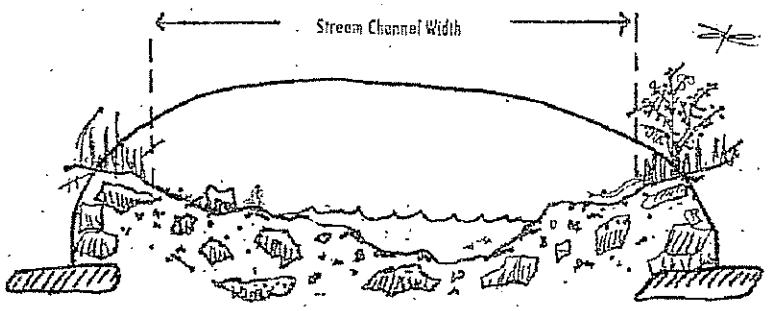
4. For trenching activities in wetlands the applicant shall install impermeable trench dams or trench breakers at the wetland boundaries and every 100 feet within wetland areas to prevent inadvertent drainage of wetlands or other waters of the United States.

5. No in-stream work shall occur during periods of high flow.

6. All culverts shall be constructed/installed in accordance with the following:

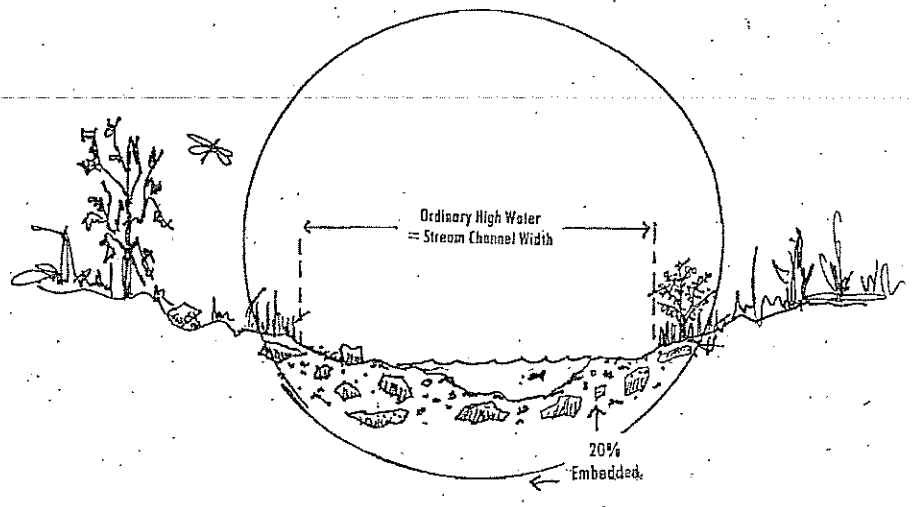
   For projects that involve the installation of a new or replacement culverts for the crossing of fish-bearing streams, then a bottomless culvert or bridge that completely spans the stream's bankfull elevation is required. Fish-bearing streams include all state-designated trout streams (i.e., streams that have the following New York State Department of Environmental Conservation classifications: AA(t), A(t), B(t) or C(t)), or other fish-bearing stream. Local NYSDEC fisheries biologists can provide assistance in determining if a particular stream supports fisheries.

   The requirement for a bottomless culvert or bridge can be waived if engineering or other evaluations indicate that a bottomless structure is not feasible for such a crossing, in which case a closed culvert may be used with provisions for embedment as specified below. Information documenting the evaluation shall be included in the permit application. This information must document why the use of a bridge, arch-span or other bottomless culvert, would not be a practicable alternative. At a minimum, an engineering evaluation which shows that a bottomless structure is not feasible for such a crossing, as well as a cost comparison of construction techniques and associated maintenance for these alternatives must be provided.



Bottom-less Arch Culvert
with Footings

Unless clearly demonstrated that it would not be practicable, closed culverts will be buried/embedded to a minimum depth of 1 foot for box culverts, and 2 feet or 20 percent of the vertical rise for round, or elliptical culverts, to allow natural substrate to colonize the structure's bottom, encourage fish movement and maintain the existing channel slope. If clearly demonstrated that the culvert cannot be embedded (e.g., bedrock or underground utilities, etc.), then measures shall be employed to ensure/enhance passage of aquatic organisms (e.g., baffles, etc.). Culvert slope should not exceed 4 percent.



Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional area (or stream channel width at a minimum of 1.25 times the ordinary high water; or a 2 year design storm) within the culvert. An average of three measurements (project location and straight sections of the stream upstream and downstream) should be utilized to determine appropriate opening width.

Measures will be included in all culvert construction that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be permanently modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity.

If adverse impacts (i.e., increased erosion, changes in normal water depths, etc.) to any waters of the United States due to poor construction practices are discovered, the permittee shall take necessary measures to correct this deficiency.

B. No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or the New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the determination:

Reschke, C. 1990. *Ecological Communities of New York State.* New York Natural Heritage Program. New York State Department of Environmental Conservation. Latham, N.Y. 96p. This document is available at the following location:
http://www.dec.state.ny.us/website/dfwmr/heritage/EcolComm.htm

C. National Wild and Scenic Rivers (NWSR): The Upper Delaware River has been designated as a National Wild and Scenic River from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. In accordance with General Condition #15, no activity may occur within a NSWR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status. Information regarding NWSR may be found at: http://www.rivers.gov/wildriverslist.html

D. For all proposals requiring a pre-construction notification (PCN), in addition to the requirements in General Condition 27(b), the applicant shall also include:

1. A completed New York State/USACE Joint Application Form which clearly indicates that the submission is a PCN.

2. A location map, including latitude and longitude or UTM Coordinates, of the project location and project drawings on $8^{1/2}$ by 11 inch paper and if necessary full size engineering drawings to accurately depict activities within waters of the United States.

3. For permanent fills within waters of the United States within the 100 year floodplain, documentation of compliance with FEMA-approved state or local floodplain management requirements.

4. Color photographs, sufficient to accurately portray the project site, keyed to a location map.

5. A compensatory mitigation plan prepared in accordance with the "Public Notice Announcing the Compensatory Mitigation Guidelines and Mitigation Checklist for Review of Mitigation Plans for the U.S. Army Corps of Engineers, New York District," dated January 10, 2005, for all projects that involve the loss of greater than $1/10^{th}$ of an acre of waters of the United States; or are located within perennial streams; or requested a waiver of the 300 linear foot limit on intermittent and ephemeral streams. In accordance with 33 CFR Part 320.4(r)(1) consideration of mitigation will occur throughout the permit application review process and includes avoiding, minimizing, rectifying, reducing, or compensating for resource losses.
Mitigation guidelines and checklist can be found at
www.nan.usace.army.mil/business/buslinks/regulat/pnotices/mitfinal.pdf.

6. Documentation that the applicant has already contacted the NOAA Fisheries Service (NFS) and the U.S. Fish and Wildlife Service (USFWS) concerning any Essential Fish Habitat (EFH), and any federally listed Threatened and Endangered Species that may be affected by the proposed activity. The information provided to USFWS and NFS should include the information described in 1 through 5 above and any other information specifically requested by the federal agencies to conduct their evaluation for threatened and endangered species and essential fish habitat. This documentation should include but is not limited to results of habitat surveys and assessments; a description of the area to be impacted including secondary impacts and the types and numbers of trees to be removed, sand placement, etc; a description of conservation measures which will avoid or minimize impacts to listed species.

The web addresses for the USFWS may be found at: http://www.fws.gov/northeast/nyfo/es/esdesc.htm, and the NMFS at: http://www.nero.noaa.gov/nero/

7. Provide documentation regarding any potential adverse effects to historic or cultural resources that may be listed or eligible for listing on the National Register of Historic Places. Information regarding the National Register of Historic Places may be found at: http://nysparks.state.ny.us/shpo/register/index.htm.

8. A written statement that clearly describes the following: (1) what measures have been taken to avoid and/or minimize any adverse impacts to wetlands or other waters of the United States, and (2) what measures have been developed to compensate for any impacts to wetlands or other waters of the United States.

E. Water Quality Certification Conditions:

Endangered or Threatened Species: An individual water quality certification is required if any activity is likely to jeopardize the existence of an endangered species or threatened species listed in 6 NYCRR Part 182, or likely to destroy or adversely modify the habitat of such species. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental Natural Heritage Program at 625 Broadway, Albany, NY 12233-4757.

Natural Heritage Sites: An individual water quality certification is required for any activity in any location that supports a rare species or significant natural community as identified and tracked by the New York Natural Heritage Program. Information about where such locations are known to exist may be found at DEC regional offices, the New York Natural Heritage Program in Albany, New York or, after September 1, 2007, on the DEC website at www.dec.state.ny.us.

Wild, Scenic and Recreational Rivers: An individual water quality certification is required if the activity is located in any Wild, Scenic or Recreational River segments.

F. Coastal Zone Management Conditions:

Activities authorized under NWP's 1, 3 (except in canals that are more than 50% bulkheaded), 6, 7, 9, 11, 12, 14, 16, 18, 19, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45 (except in canals that are more than 50% bulkheaded), 46, and 48, where the activities would occur within the following CMP

special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, the following applies:

a. Within thirty (30) days of receipt by NYSDOS of an applicant's submission, which should include a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYSDOS will inform the applicant and the Corps whether:
   1. Necessary Data and information is missing from the applicant's submission. If so, the NYSDOS will notify the applicant and the Corps of the mission necessary data and information, and state that the NYSDOS review will not commence until the date the necessary data and information is provided;
   2. The activity meet the General Concurrence criteria set forth in the CMP and therefore, further review of the proposed activity by the NYSDOS, and the NYSDOS concurrence with an individual consistency certification for the proposed activity, are not required; or
   3. NYSDOS review of the proposed activity and NYSDOS concurrence with the applicant's consistency certification is necessary. If NYSDOS indicates review of this activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYSDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D, or unless NYSDOS indicates the activity meets CMP General Concurrence criteria.

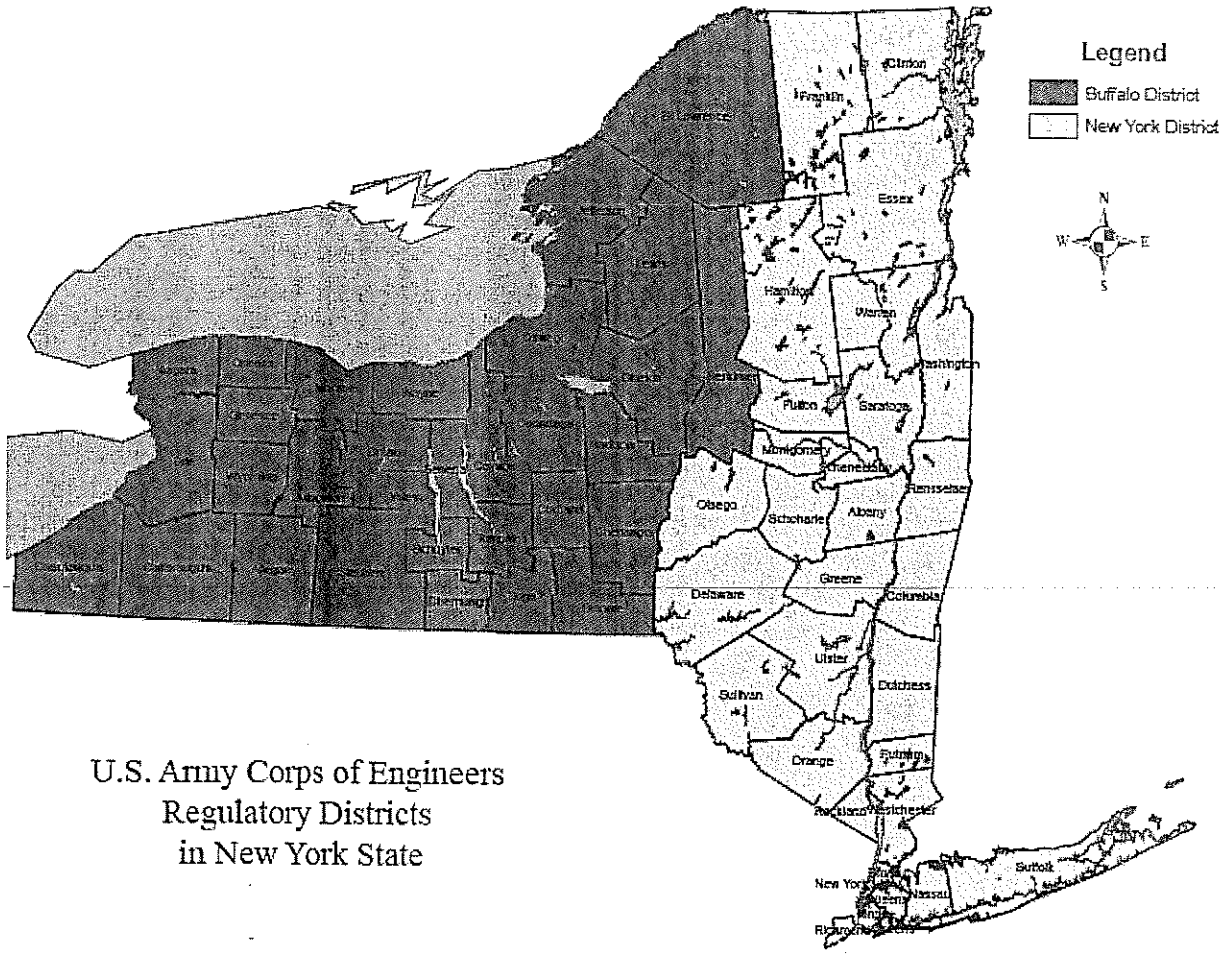
III. CRITICAL RESOURCE WATERS

In accordance with NWP General Condition (GC) #19, certain activities in Critical Resource Waters cannot be authorized under the NWP program or would require a PCN (see GC #19 in the 72 FR 11092 for a list of these NWPs).

Critical Resource Waters in New York State include the following:

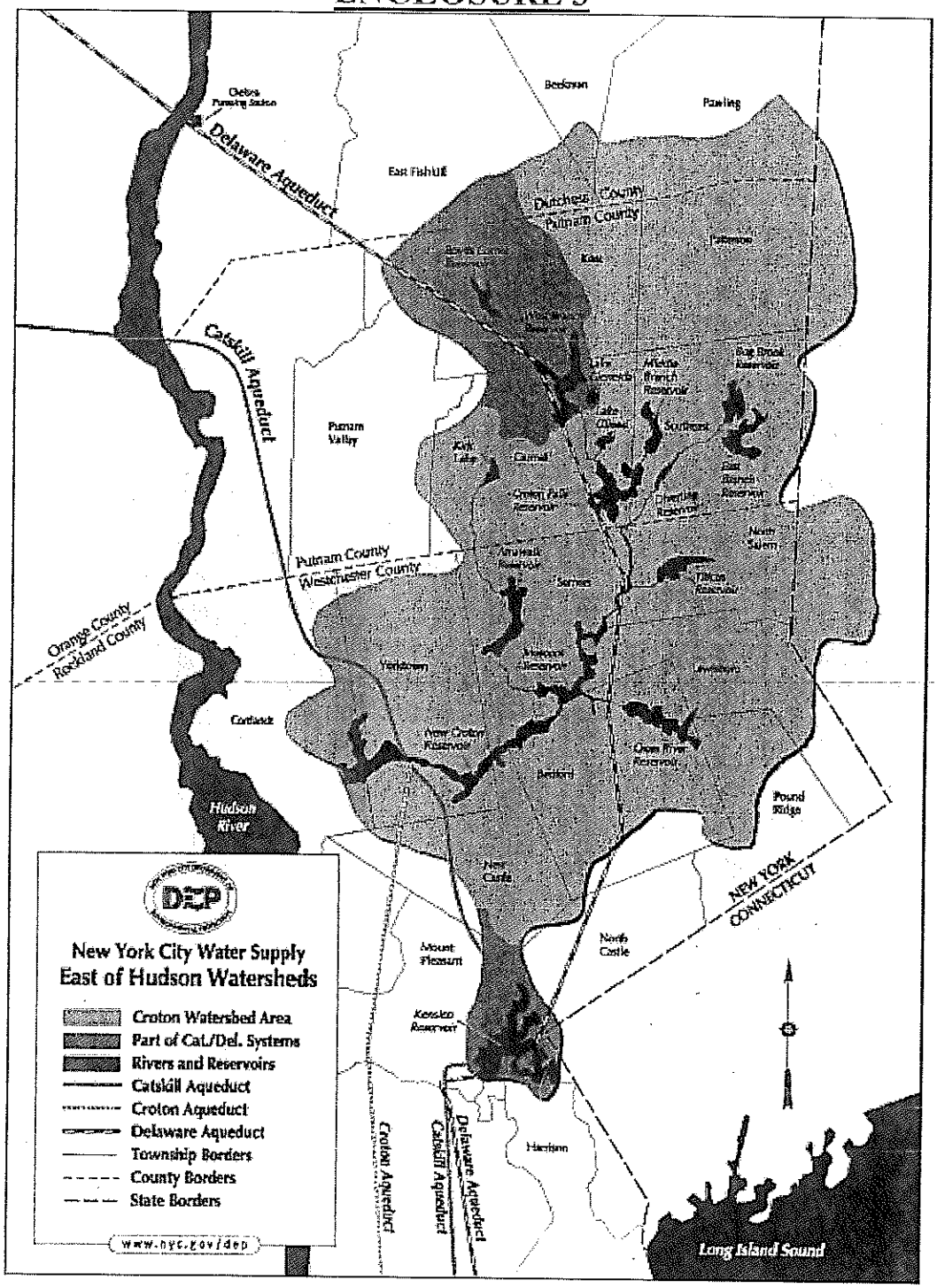
1. The New York District has designated the East-of-Hudson portion of the New York City water supply watershed as Critical Resource Waters. This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on the attached map.
2. The Hudson River National Estuarine Research Reserves (NERR): is located within the New York District. The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

ENCLOSURE 2



U.S. Army Corps of Engineers
Regulatory Districts
in New York State

ENCLOSURE 3


Delaware Aqueduct
Catskill Aqueduct
Putnam County
Westchester County
Orange County
Rockland County
Dutchess County
Putnam County
Putnam Valley
Hudson River
Long Island Sound
NEW YORK
CONNECTICUT
Croton Aqueduct
Catskill Aqueduct
Delaware Aqueduct
DEP
New York City Water Supply
East of Hudson Watersheds
Croton Watershed Area
Part of Cat./Del. Systems
Rivers and Reservoirs
Catskill Aqueduct
Croton Aqueduct
Delaware Aqueduct
Township Borders
County Borders
State Borders
www.nyc.gov/dep

Nationwide Permit 3 - Maintenance

1. **Permit-specific Regional Conditions:**

a. For activities involving the removal of accumulated sediments and debris in the vicinity of existing
structures to restore the waterway to previously existing depths, the applicant must provide evidence of such depths. If this information is not available, the applicant must provide evidence of the existing depths immediately outside the proposed work area.

b. Every effort should be made to prevent additional encroachment into the beds of New York waterbodies. All repair or rehabilitation activities should focus on using the area immediately behind the existing structure,. Bulkhead replacement shall be completed in-place or landward of the existing structure. Any proposed repair, rehabilitation, or reconstruction of existing bulkheads that extend waterward more than 18 inches from the existing bulkhead will require notification to the District Engineer in accordance with Nationwide Permit General Condition Number 27 ("Notification"). Notification must include justification for a waterward extension exceeding 18 inches, such as geologic conditions, engineering requirements, etc.

2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:

a. This certification does not authorize maintenance activities associated with hydropower projects.

b. This certification does not authorize any activity that results in an alteration to waters of the United States such as draining or altering water levels.

c. Authorized dewatering is limited to immediate work areas that are coffer-dammed or otherwise isolated from the larger water body or waters of the United States. Dewatering must be localized and not drain extensive areas of a water body or reduce the water level such that fish and other aquatic vertebrates are killed or their eggs and nests are exposed to dessication, freezing or depredation in areas outside of the immediate work site.

d. Coffer dams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a watercourse.

e. Impoundment drawdowns (for maintenance activities) shall occur prior to October 15th (before November 1st for Long Island waters) or after March 1st. If a drawdown is necessary during this period, then both the air and water temperature must be 50° F or higher, and the cloud cover must be less than 50 percent during the drawing down of water.

f. This certification does not authorize replacement of existing bulkheads or vertical retaining walls that extends waterward from the present footprint of the structure.

3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York State Coastal Management Program where the activities would occur outside the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans. However, the New York State Department of State objects to the Corps consistency determination

where the activities authorized by this NWP would occur within the above referenced CMP special management areas, and therefore in those cases, see Section II, F, below.

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
FERRY INVESTMENTS LLC
485 WEST PUTNAM AVE
GREENWICH, CT 06830
(203) 661-0055

FERRY LANDINGS LLC
485 W PUTNAM AVE
GREENWICH, CT 06830
(203) 661-0055

Facility:
FERRY LANDINGS
LOWER MAIN ST|W MAIN ST
TARRYTOWN, NY

Facility Location: in GREENBURGH in WESTCHESTER COUNTY
Facility Principal Reference Point: NYTM-E: 594.98 NYTM-N: 4548.08
Latitude: 41°04'42.4" Longitude: 74°52'09.6"
Project Location: Lower Main St/ W. Main St on the Hudson River
Authorized Activity: Maintenance and repairs to the existing relieving platform at the Ferry Landings - Hudson Harbor site on the Hudson River, including repairing pile tops, pile caps, and relieving platform decking, repairing the retaining wall on the land side of the relieving platform, and repairing joints and connections of the seawall/bulkhead.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 3-5526-00379/00004
New Permit Effective Date: 5/26/2009 Expiration Date: 12/31/2014

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MICHAEL D MERRIMAN, Deputy Regional Permit Administrator
Address: NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561 -1620

Authorized Signature: Michael D. Merriman Date 5/26/2009
ERM

Distribution List

US ARMY CORPS OF ENGINEERS - NY DISTRICT
NYS DOS, Albany

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION

1. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

2. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Haley & Aldrich and includes Figures 2 through 5 and the narrative that accompanies the Joint Application Form submitted on April 1, 2009.

3. **Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

4. **Install, Maintain Erosion Controls** Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of any disturbed area. This sediment barrier is to be put in place before any disturbance of the ground occurs and is to be maintained in good and functional condition until thick vegetative cover is established.

5. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

6. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

7. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

8. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY12561 -1620

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does

not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Type II Action, Replacement in Kind Under the State Environmental Quality Review Act (SEQR) this project has been determined to be a replacement, in kind, and is therefore, a Type II Action and not subject to further procedures under this law.

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3054 • **FAX:** (845) 255-4659
Website: www.dec.ny.gov

Alexander B. Grannis
Commissioner

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

☐ Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.

> The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Ellen M. Hart

Division of Environmental Permits, Region 3
Telephone (845) 256-~~3765~~ 3051

☐ Applicable Only if Checked for **STORMWATER SPDES INFORMATION:** We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: http://www.dec.ny.gov/chemical/8468.html

Send the completed form to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505

In addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to Natalie Browne at NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

New York State
Department of Environmental Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: FERRY INVESTMENTS Permit No. 3- 5526-00379-00004

Effective Date: 5/26/2009 Expiration date: 12/31/2014

❑ Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 8, 2009

Mr. Jonathan D. Babcock, P.E.
Haley & Aldrich of New York
200 Town Centre Dr.
Suite 2
Rochester, NY 14623-4264

Re: F-2009-0280
U.S. Army Corps of Engineers/New York District Permit Application - Mr. Carl Monheit/Ferry Landings, LLC. - proposed maintenance and repairs to the existing relieving platform at the Ferry Landings - Hudson Harbor site, Hudson River, Village of Tarrytown, Westchester County.
Nationwide - No Further Review Required

Dear Mr. Babcock:

The Department of State received your Federal Consistency Assessment Form and supporting information on April 1, 2009.

The project description and drawings depict a proposed activity (repair/replacement in-place, in-kind) that would appear to be eligible for an existing Army Corps of Engineers Nationwide Permit #3. We have determined that the activity would not be undertaken within a State designated Significant Coastal Fish and Wildlife Habitat area, the Long Island Sound Regional CMP, a Harbor Management Plan, or an area covered by a federally approved Local Waterfront Revitalization Program.

Therefore, provided the proposed activity is authorized under an existing Army Corps of Engineers Nationwide Permit #3, further review of this project by the Department of State, and concurrence with your consistency certification, is not necessary. (Further information concerning Army Corps of Engineers Nationwide Permits and our review can be viewed on-line at www.lrb.usace.army.mil/regulatory/nwp_NY.htm.)

Please contact us at (518) 474-6000 if you have any questions or need any other assistance regarding this matter. When communicating with us regarding this matter, please refer to our file #F-2009-0280.

Sincerely,

Jennifer L. Street
Coastal Resources Specialist
Consistency Review and Analysis Unit
Office of Coastal, Local Government and Community Sustainability

cc: COE/NY District - Sophia Squires (NAN-2009-00353-ESQ)
NYS DEC/Region 3 - Ellen M. Hart (3-5526-00379/00004)

VILLAGE OF TARRYTOWN
21 Wildey Street
Tarrytown, New York

BUILDING PERMIT

Fee: $5,370.00 **Permit #:** 9

Check #: 5249

Work Location: West Main Street - Club House

Owner: Tarrytown Waterfront LLC (Ferry Landings)

Property Description: SHEET: 1 BLOCK: LOT(S): P34

Permission hereby granted to proceed with the work as set forth in the specification, plans or statements now on file in the Building Department. Any amendments made to the original plans or specifications must be submitted for approval. Final inspection will not be done until final plumbing and final electrical inspections are done where applicable.

Date Issued: 8/28/2008

Building Inspector

Expiration Date: 8/28/2009

THIS PERMIT IS TO BE DISPLAYED AT THE JOB SITE AND PROTECTED FROM THE ELEMENTS

Special Conditions

FOOTING AND FOUNDATION ONLY

1 All work shall conform with NYSBC, local law and NFPA whether or not specifically stated on plans.
2 All work shall conform with Planning Board, Zoning Board and/or ARB approvals.
3 Separate plumbing, electrical and HVAC permits to be obtained.
4 Erosion control must be installed and inspected prior to start of construction.
5 Contractor to submit "as-built" foundation plans to Building Department for approval prior to framing.
6 Contractor to remove and dispose of all debris in accordance with NYS Law.
7 Contractor shall submit certification letter that work was completed per NYSBC.
8 Contractor to call for all inspections.
9 There will be a $75 re-inspection fee charged should an inspection fail or owner/contractor is not present when an inspection is scheduled.
10 Engineer to certify sub-grade is suitable for new building loads.
11 Permit is for footings and foundation only.

VILLAGE OF TARRYTOWN
21 Wildey Street
Tarrytown, New York

BUILDING PERMIT

Fee: $22,034.00 **Permit #:** 10

Check #: 5418

Work Location: West Main Street - Club House

Owner: Tarrytown Waterfront LLC (Ferry Landings)

Property Description: SHEET: 1 BLOCK: LOT(S): P34

Permission hereby granted to proceed with the work as set forth in the specification, plans or statements now on file in the Building Department. Any amendments made to the original plans or specifications must be submitted for approval. Final inspection will not be done until final plumbing and final electrical inspections are done where applicable.

Date Issued: 10/29/2008

Expiration Date: 10/29/2009

Building Inspector

THIS PERMIT IS TO BE DISPLAYED AT THE JOB SITE AND PROTECTED FROM THE ELEMENTS

SPECIAL CONDITIONS:

1 All work shall conform with NYSBC, local law and NFPA whether or not specifically stated on plans.
2 All work shall conform with Planning Board, Zoning Board and/or ARB approvals.
3 Separate plumbing, electrical and HVAC permits to be obtained.
4 Erosion control must be installed and inspected prior to start of construction.
5 Maximum spacing on handrail spindle is 5" O.C.
6 Handrail shall be minimum of 36" high.
7 Contractor to submit "as-built" foundation plans to Building Department for approval prior to framing.
8 Contractor to remove and dispose of all debris in accordance with NYS Law.
9 Architect/Engineer shall submit certification letter that work was completed per NYSBC.
10 All installation and testing of suppression system must be certified by designer.
11 Contractor to call for all inspections.
12 There will be a $75 re-inspection fee charged should an inspection fail or owner/contractor is not present when an inspection is scheduled.
13 Horn/strobes and emergency lighting to meet applicable codes.
14 Owner/engineer to submit backflow preventer plans to the Village for submission to Westchester County.
15 Engineer plans of site retaining wall to be submitted.

Date: 3/29/2010

BUILDING PERMIT

One Depot Plaza, Tarrytown, New York 10591-3199

THIS PERMIT IS TO BE DISPLAYED AT THE JOB SITE AND PROTECTED FROM THE ELEMENTS

This is to certify that the permission is hereby granted for:
CONSTRUCTION OF THE CLUBHOUSE AND IN-GROUND POOL - **MARCH 29, 2010 - REVISED PLANS APPROVED FOR CONSTRUCTION OF CLUBHOUSE POOL**

Parcel: 001.040-0004/P14

Located At: HUDSON VIEW WAY

Applicant Information
TARRYTOWN WATERFRONT, LLC
485 WEST PUTNAM AVENUE
GREENWICH CT 06830

Owner: TARRYTOWN WATERFRONT, LLC

Building Permit #: 2010-6285

Permit Type: BLDG

All work shall be executed in strict compliance with the permit application, the provisions of the Tarrytown Building Code and Zoning Ordinance, any and all Ordinances of the Board of Trustees of the Village of Tarrytown, approved plans, the NYS Uniform Fire Prevention and Building Codes, and all other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state, or local law other rule or regulation.

- ALL WORK SHALL CONFORM WITH NYSBC, LOCAL LAW AND NFPA WHETHER OR NOT SPECIFICALLY STATED ON PLANS
- ALL WORK SHALL CONFORM WITH PLANNING BOARD, ZONING BOARD AND/OR ARB APPROVALS
- SEPARATE PLUMBING, ELECTRICAL AND HVAC PERMITS TO BE OBTAINED
- EROSION CONTROL MUST BE INSTALLED AND INSPECTED PRIOR TO START OF CONSTRUCTION
- MAXIMUM SPACING ON HANDRAIL SPINDLE IS 6" O.C.
- HANDRAIL SHALL BE MINIMUM OF 36" HIGH
- CONTRACTOR TO SUBMIT "AS-BUILT" FOUNDATION PLANS TO BUILDING DEPARTMENT FOR APPROVAL PRIOR TO FRAMING
- CONTRACTOR TO REMOVE AND DISPOSE OF ALL DEBRIS IN ACCORDANCE WITH NYS LAW
- ARCHITECT/ENGINEER SHALL SUBMIT CERTIFICATION LETTER THAT WORK WAS COMPLETED PER NYSBC
- ALL INSTALLATION AND TESTING OF SUPPRESSION SYSTEM MUST BE CERTIFIED BY DESIGNER
- CONTRACTOR TO CALL FOR ALL INSPECTIONS
- THERE WILL BE A $75 RE-INSPECTION FEE CHARGED SHOULD AN INSPECTION FAIL OR OWNER/CONTRACTOR IS NOT PRESENT WHEN AN INSPECTION IS SCHEDULED
- HORN/STROBES AND EMERGENCY LIGHTING TO MEET APPLICABLE CODES
- OWNER/ENGINEER TO SUBMIT BACKFLOW PREVENTER PLANS TO THE VILLAGE FOR SUBMISSION TO WESTCHESTER COUNTY
- ENGINEER PLANS OF SITE RETAINING WALL TO BE SUBMITTED

MARCH 29, 2010

- APPROVAL BY WESTCHESTER COUNTY DEPARTMENT OF HEALTH
- DESIGN ENGINEER TO SUBMIT CERTIFICATION LETTER TO BUILDING DEPARTMENT STATING CONSTRUCTION CONFORMANCE WITH NYSBC
- SEPARATE ELECTRICAL AND PLUMBING PERMITS TO BE SUBMITTED

Fees:

Building Permit - New Comme	**Check #: 5418**	**$27,404.00**
	Total:	**$27,404.00**

Permission is hereby granted to proceed with the work as set forth in the specification, plans or statements now on file in this Department. Any amendments made to the original plans or specifications must be submitted for approval. Final inspection will not be scheduled until final plumbing and final electrical inspections are completed where applicable.

Cost of Construction: $800,000.00

Permit Expires: 3/29/2011

Village Engineer / Building Inspector
Michael J. McGarvey, P.E.