



**HAZARDOUS MATERIAL SPILLS INFORMATION REQUEST**

**TENNIS CLUB**  
44-02 VERNON BLVD

LONG ISLAND CITY, NY 11101

**Spill Number: 0308234**

**Close Date:**

ADDRESS CHANGE INFORMATION  
Revised street: 4402 VERNON BLVD.  
Revised zip code: NO CHANGE

Source of Spill: UNKNOWN  
Notifier Type: Responsible Party  
Caller Name: NICK RECCHIA  
DEC Investigator: aaoblga

Spiller: MARSHAL WEISMAN - VERNON REALTY HOLDINGS LLC  
Notifier Name:  
Caller Agency: EEA INC  
Contact for more spill info: CALLER

Spiller Phone:  
Notifier Phone:  
Caller Phone: (516) 746-4400  
Contact Person Phone:

Spill Class: KNOWN RELEASE THAT CREATES POTENTIAL FOR FIRE OR HAZARD;DEC RESPONSE;WILLING RP;CORRECTIVE ACTION TAKEN

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards		Penalty Recommended	
11/04/2003		UNKNOWN	NO		NO	
Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
UNKNOWN PETROLEUM	PETROLEUM	0.00	GALLONS	0.00	GALLONS	SOIL
The following material was dropped or revised by the NYS DEC.						
OTHER PETROLEUM	UNKNOWN	0.00	GALLONS	0.00	GALLONS	

Caller Remarks:

now known as east river tennis club. used to be old petroleum plant. contaminated soil and ground water on site.

DEC Investigator Remarks:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "KRIMGOLD"  
11/4/2003 - Sangesland spoke with Nick Recchia of EEA Inc.

EEA Inc was hired by a potential purchaser of this site.

Site was an Oil Terminal "City Services Terminal" from 1928-1973

Right along the bulkhead of the East River directly next to the present Con Edison Facility. According to records, the site had a history of 33 - 3,000 gallons Underground Storage Tanks and 23 Above Ground Storage Tanks with a total capacity of 1.3 Million

gallons. Site is approx 500ft x 300 ft.

Since 1973 the site has been the East River Tennis Club. Site is now being planned as a high rise apartment building site.

EEA Inc was hired by a potential purchaser to do a Phase 2 investigation on the site. Several soil borings and groundwater samples were taken. Petroleum contamination was found throughout the site. EEA will be submitting it's report to it's client.

Sangesland requested the name and contact info for the present owner of the site. EEA will get back to the DEC with this information.

Also see spill #0308441. YK.

12/16/03. EEA submitted Environmental Assessment Report.

10/13/04. J.Krimgold spoke to Nick Recchia (516-746-4400) from EEA Inc.. They are an env. consultant for Vernon Realty Holding.

They requested a meeting with DEC to review the report.

Meeting settled up for 10/22/04.

10/5/05 - Obligado- FILE TRANSFERED FROM KRIMGOLD TO OBLIGADO

10/7/05 - Obligado file review:

Subsurface Investigation Report, dated 12/16/03, submitted by Submitted by EEA, Inc: Site is currently a tennis facility, including a clubhouse building, tennis courts, and a swimming pool. Bordered on north by ConEd, south by NYC Board of Ed, west by East River, East by Vernon Boulevard. Occupied by a Cities Service Oil Company oil terminal from 1928 - 1973. Also had a retail gas station on East portion of site along Vernon Blvd. Garage and repair shop on southern part of property. Formerly 33 (3000 gallon) USTs in western third of property. Formerly a tank farm of ASTs (1.2 million gallons) in central portion of property. 3 active fuel oil USTs to heat tennis courts. 1 inactive underground 3000 UST has potential for leaking.

#### Soil Results-

"Significant soil contamination (SVOCs and metals -zinc, copper, mercury) existes at most soil boring locations." VOC exceedences at ten boring locations. SVOC contamination (PAHs) in seventeen soil samples. Gas chromatography shows presence of oil contamination. Metlas detected above TAGM and background at all twenty borings. Highest metal concentrations are zinc, mercury, and copper. Lead found above background levels.

#### GW Results -

GW contamination found at all locations (VOCs, SVOCs, and total metals). Sheen and oil smell noted during collection of groundwater samples at most locations. Zinc, Lead, Mercury significantly exceeded standars. Floating product at seven locations.

Conclusions - "It is unlikely groundwater remediation of the shallow aquifer would be required by the NYSDEC if soil remediation is undertaken. However, if dewatering is required.... treatment of the water would be required prior to discharge to a sanigary of combined sewer. Also floating product would also be required to be removed..." "Any proprolonged extraction of groundwater would induce polluted waters from th eEast River and cause an increase in salinity to the existing groundwater". Because of soil contamination by metals, excavation is the only practical soil remediation. Bioslurping might be a viable remedial option to stimulate aerobic bioremediation and extraction of product.

Remedial Action Plan (5/7/04) - Fleming Lees Shue, Inc (FLS) proposes excavation and removal of contaminated soil in the footprint areas that are to be occupied by the proposed buildings A,F,E and B,C,D. Excavation will proceed down to ground water to remove

smear zone contamination. After excavation, exposed ground water and soil will be covered with ORC slurry mixed with crushed stone. A vapor barrier will be installed beneath the basements of the proposed buildings. Areas between the buildings and riverward of the buildings will be remediated by ORC injection. Additionally, "hot spot" areas of Metals and PAH contamination will be excavated

Letter from FLS Fleming to DEC Krimgold (7/23/05) RAP modified to eliminate the use of ORC and to excavate and remove all petroleum contaminated soils on site.

Remedial Action Plan Final Draft(10/19/04)- RAP modified to eliminate the use of ORC and to excavate and remove all petroleum contaminated soils on site. Prior to remediation test pits will be completed. Proposes revetment along East River and excavation of "soils from the existing shore landward from between 11 feet at the north end of the Site to upward to 40 feet at the southern end of the site" After construction/remediation 4 permanent wells will be installed. DEC Krimgold approves RAP on condition that Developer/Owner enters into Stip with Department, a deed restriction is placed on the property, a dust, odor, and vapor control plan should be submitted, and engineering controls addressing potential of vapor and groundwater intrusion in to buildings be submitted to department.

Email from Fleming to DEC Nagi (5/16/05)- Not willing to excavate all contaminated soil if client will still be required to remediate off-site contamination. "If the spill cannot be closed until all off-site contamination is fully addressed, then the additional cost to remove all the site contamination is not justifiable and we will have to pursue the bioremediation option"

Stipulation Agreement executed on 8/17/05.

10/17/05 - Obligado - Review Supplemental Remedial Investigation Workplan. Plan summarized results of 10 testpits, 83 test borings, and 9 East River sediment borings. Test pits were 4' x 12' and 12' deep. Most test pit samples exhibited elevated VOCs, SVOCs, and/or TPH. Contamination varied mix of fuel oil and gasoline. Notable soil exceedences include 51,000 ppb naphthalene (SVOC) in TP-4 and 600 ppb benzene (VOC) in TP-4. GW found at 10 ft across site in testpits. Petroleum seeps and sheen development in gw surface in TP-3 through TP8. 3 gw samples collected. No gw impacts for VOCs. RCRA metal impacts include Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium. East River sediment samples results show impacts for barium and Lead. Based on 83 soil borings an estimated volume of impacted soils was calculated to be approximately 24,000 cubic yards. A pilot study for odor suppression reports RUSMAR foam is a viable odor and vapor suppression system for use during excavation. Foam effectiveness extended to up to 48 hours if soil stockpile is undisturbed. If disturbed foam needs to be reapplied. Plan proposes perimeter soil gas investigation. Proposes soil gas monitoring points at 50 foot intervals along north and south borders. Points will be installed with geoprobe or manually to 8 ft below surface. Summa canisters will be collected every 100 feet. At 50 ft intervals summa canisters will be collected only if impacts are detected with PID. Off site Ground water sampling and soil delineation proposes 1 well on ConEd property opposite location onsite with highest soil impacts. Geoprobe soil borings will be conducted at 20 ft intervals moving east and west away from central monitoring well until soil impacts are no longer detected.

10/19/05 - Obligado - Site meeting with DEC Obligado and Sun, Arnie Fleming (Fleming Lee Shue), Nich Recchia (EEA Inc.), Jeff Shelkey (EEA Inc.), Ben Igoe (JBS Construction Management). Discuss site history, offsite investigation plan for soil gas and mw well install (discussed above), and excavation plans. EEA already began conducting soil gas survey onsite adjacent to the DOE building in order to expediate assessment. Already submitted offsite investigation plan to the adjacent ConEd facility in order to get permission for access. Might need DEC help for access. Told EEA and Fleming could expect DEC response for workplan early the following week, after discussion with DEC Koon. Dredging in progress during site visit to prepare for revetment.

Nick Recchia cell phone - 516-395-8763

10/21/05 - Discuss SRIWP with DEC Sun, approve work plan. Call Nich Recchia to notify of department approval. Nick is still waiting for ConEdison approval of workplan. Nick will provide Con Ed contact info so DEC can send letter to expediate Con Ed approval.

10/25/05 - Received email from Nick Rechhia with coned contact info:

Michael Wilken  
Assistant General Council  
Consolidated Edison of New York Inc.  
4 Irving Place  
New York, NY 10003

Sent letter via certified mail to Michael Wilken at Con ED asking for property access.

11/1/05 - Obligado - Spoke with Michael Wilken. Said Con Edison will grant access and he will sent standard access agreement to FLShue/EEA.

11/1/05 - Obligado - Discussion with DEC Sun, and DEC Shaw (marine resources) to make sure that current dredging activities are permitted. Shaw looks through file and says Permit was granted by DEC 2 years ago. DEC Marine Resources staff will be onsite on 11/2/05 to oversee the work.

11/8/05 - Obligado - Spoke to Nich Recchia about Con Ed access. Told him Michael Wilken told me he would send an access agreement.

11/9/05 - Obligado - Spoke to George Stadnik. Said there was some erosion problems during dredging. Call DEC Zahn to inquire about dredging inspection. Left message.

11/18/05 - Obligado - Spoke to Nick Recchia about Con Ed access. He said that they received the access agreement from Con Ed and they have some issues with their insurance policy that they need to address to meet requirements. Vapor results from Summa sampling along Board of Ed are in, he will email the data today. Inquired about site status. Dredging is ongoing. As for onsite, the Developer is currently receiving bids from contractors to do the excavation.

11/21/05 - Obligado - received soil vapor sampling results from southern boundary of site with Board of Education building

12/15/05 - Obligado - Asked Nick Recchia to send soil gas sample results in ug/m3 instead of ppb.

12/23/05 - 1/3/05 - Obligado - Review Draft Remedial Action Workplan, submitted by Fleming Lee Shue, Inc., dated December 2005. Received by Department on 12/21/05. All contaminated soil will be removed, with the exception of soils within the area extending approximately 30 ft from the revetment to sheeting that will be installed. Excavation will proceed past proposed building foundation depth if contamination is found. Clean urban fill from other parts of the site will be used to back fill excavation. This area will be monitored by a post-remediation ground water monitoring program. Known USTS remaining on site will be removed (3000 gallon fuel oil and 3000 gallon gasoline UST). NYSDEP "Hot Spots" of SVOC and metals have already been removed. A report is pending. Proposed building excavation will extend approximately 18 ft below grade. Dewatering will be required. Estimated volume of petroleum impacted soil is 24,000 cubic yards. Most of contamination lies within smear zone. Sheeting will be installed along the perimeter of the site except for a strip along the shore line. Remediation will be completed by mass excavation. Along perimeter of excavation soil samples will be collected every 30 ft at depth of greatest contamination. Bottom samples will be collected one per 900 square feet. In unexcavated area along revetment, 3 to 4 monitoring wells will be installed. 1 monitoring well will be installed upgradient as well. GW will be monitored quarterly. During excavation and

construction weekly emailed progress reports will be submitted. After completion of remedial action, Remedial Action Report will be submitted.

Remedial Invasive Excavation Plan - prior to excavation, geoprobe samples will be taken in a three dimensional grid to characterize soils for disposal. During excavation, soils will be screened by an environmental monitor prior to loading onto truck. Contaminated soils will be moved by truck to NW corner of site, then transported by a crane to a barge. During excavation, foam will be sprayed on exposed faces of excavation to suppress odors. Excavation will start at south building, followed by 44th avenue, followed by the north building. All excavations will proceed from east to west. Vapor barrier, walls and floor slab of south building will be installed prior to beginning excavation under 44th avenue, again working east to west.

Expanded Odor and Vapor and Community Air Monitoring Plan - Includes perimeter air monitoring stations. VOCs over 5 ppm for 15 minutes time weighted average at perimeter monitoring points will stop work. If VOCs return to below 5 ppm work will resume. If VOCs don't return to below 5 ppm but are below 25 ppm, work will stop, the NYSDEC and NYSDOH will be notified, the source will be identified, and corrective action will take place to abate VOC emissions. neighborhood air monitoring survey will be initiated. If concs don't return to below 5 ppm after 30 minutes, then confirmatory ambient air samples will be collected at site perimeter for 8260 analyses. Work will not start until levels are below 5 ppm. If VOCs are >25 ppm per 15 minutes, work will stop, DEC and DOH will be notified, source investigation and corrective action, work will not start up until DEC and DOH approval

Odor and vapor control measures - minimize total area of excavation, limit time of open excavation, minimize stockpile and double handling of soil, prompt backfilling, foams, odor neutralizing agents, long term encapsulents. If none of these options work then alternative work practice including partial or full containment structures will be implemented.

Dewatering plan will consist of 4 wells pumping to a treatment system. Treatment system consists of oil water separator and a settling tank.

1/4/06 - Obligado - phone call from Joe Mahon at Mortrench. He is the contractor that will provide dewatering system. System will involve well installations. Wants to know if a Long Island Well Permit is needed because site is under stip agreement. Says LI Well Permit is needed. Also inquires as to whether SPDES permit is needed for discharge. Says they might be discharging into East River. Talk to Chan Chakrabarti at Division of water. Chan says LI Well Permit is required. Call back Joe and inform him of Long Island well permit requirement.

1/6/06 - Obligado - Spoke with Mary Manto at Fleming Shue. She said they have hired an excavation contractor. They are just waiting for DEC approval to move forward.

1/13/06 - Obligado - DEC meeting with FLS, EEA, Mortrench, JBS Construction Management, DER, DOW, Permits. Meeting highlights:

- EEA and FLS will submit a RAP Addendum
- Discharge will be to East River
- DOW will provide SPDES equivalent discharge parameters to include in RAP Addendum
- Mortrench will resubmit LI Well Permit Application
- Soil will be disposed by truck instead of barge
- Deep Excavation will proceed west to east
- Air monitoring program will include roaming neighborhood monitors whenever petroleum contaminated soil is excavated.
- Grid pattern will be sent for precharacterization borings and for site communication purposes
- Communication lines - for field work Nich Recchia/EEA, for reporting Mary Manto/FLS
- Monitoring well plan submitted after completed construction
- Outreach - FLS will contact community board

- RAP Addendum will include Dewatering plan, treatment system designs, SPDES discharge limits
- Mortrench will submit letter to Permits fo temporary storm water outfall
- FLS requests excavation of top 4 feet of fill inorder to prep for construction/remediation

1/17/06 - Obligado - Spoke with Arnie Fleming regarding request to remove 4 feet of fill inorder to prep for sheeting isntall. Request not to remove fill in area adjacent to ConEd where hotspot was encountered untill after RAP approval. EEA will submit a letter formalizing request with table showing analytical results in to 4 feet, statement with dust/runoff control, and no excavation in hotspot zone adjacent to ConEd.

1/19/06 - Obligado - Ben Igoe from construction company dropped off anayltical results of cleand overburden soil and minutes from NYSDEC Meeting. Call Mary because I was expecting letter and summary table. Mary says that the laboratory data was not in a electronic format for easy transfer to summary tables so EEA is working on it and will send summary table shortly.

1/20/06 - Spoke to Chan in Water division about SPDES requiremnts. He said he is having meeting with supervisors on Monday and will discuss this issue.

1/23/06 - Oblgado - Call mary Manto. ask for status of tables and letter. Says EEA is still working on table and will submit it by end of week.

1/24/06 - Obligado - Spoke to Chan in Water about results of DOW meeting. He said that the DOW is going to have another meeting on Thursday in which the Section Chief of DOW from Albany will attend. They will discuss issue at that time.

1/25/06 - Obligado - Spoke with Chan about results of Thursday meeting. Says they gave the ground water results to the Section Chief in Albany and he should provide us with list of SPDES equivalent sampling parameters and limits

Received EDOC version of RAP Addendum.

1/26/06 - Obligado - PHone call from Mary Manto. Summary table of overburden results will be submitted by end of week.

1/27/06 - Received RAWP addendum and soil summary table

1/31/06 - Review RAWP Addendum and soil summary table. All soil concentrations below SCOs except for some PAH exceedences. Discuss with DEC Sun. Agree to aprove removal of 4 feet of overburden soil. RAWP addnedum letter also requests DEC approval of the "Pre-Excavation for Sheetting Installation", which entails trenching down to 30 ft bgs inorder to clear locations for sheetting installation before the RAWP is approved. This was not discussed in DEC meeting and will require further review. Called Mary Manto and give DEC approval of overburden soil removal but not of trenching for sheetting. Sent letter.

Also, call Chan from DOW to get contact info for Section Chief in Albany - Al Fuchs, (518) 402-8238, who is handling discharge issues. Chan said GW analytical package should get there friday.

Also, call Steve Watts from Permits, said that a LI Well Permit application was resubmitted but is still incomplete and he is waiting for additional information.

2/1/06 - Obligado - Email Mary to inquire about status of Fact Sheet. She says I should receive it by Friday.

2/2/06 - Obligado - Call Al Fuchs in Albany. He requests more information in order to give SPDES Equivalent. Received email for SPDES Equivalent requirments which I forwarded to the Mary Manto.

2/3/06 - Obligado - PHone call from Nick Rechhia. Said they ran into problems while planning Con Ed site investigation. Gas, sewer, water lines run along alley way inbetween Tennis club site and Con Ed. Will not be able to do direct push soil sampling for soil vapor. Can only do sub concrete slab sampling 6" below slab for vapor samples. Unable to drill monitoring well in area but might be able to install a well with a vaccuum truck. He will send a revised workplan to the DEC.

2/7/06 - Obligado - Site visit. Upper 2 feet of soil has been removed. Clean soil is stock piled at site. Weather station and airmonitoring stations operation. As part of site maintainance, site was being sprayed with water to prevent dust generation. Revetment work is ongoing. Clean soil scheduled to be moved off site on Monday. No odors or PID readings.

Meeting with Koon, Joe Sun, Oks conditional RAP approval until LI well permits/SPDES equivalentents are issued, however requires Fact Sheet and Contact List.

2/8/06 - Obligado - Received fact sheet from FLS. Need to confirm DOH contact.

2/9/06 - Obligado - Consultation with DEC Nagi, in spills program DOH approval not needed for RAP approval. We can approve RAP but should call DOH and make sure they know about the site before putting the DOH reference on the fact sheet. D. Hetterick. Called Dawn Hetterick (518-402-1158) told her of situation. Told her Said she never hs seen the RAWP. Requests CD copy for review. Upon review she will provide comments.

2/10/06 - Obligado - Sent RAP approval letter to FLS, EEA, and Vernon Realty.

2/14/06 - Obligado - Site visit. Overburden soil still on site. Begin trenching to clear locations for sheeting installation. No odors during site visit.

2/15/06 - Obligado - Phone call from Joe Mahon at Moretrench (914)423-1331. Wants to meet on Friday 2/17/06 to discuss Long Island Well Application.

2/21/06 - Obligado - Site visit. No odors evident upon entering site. Removal of clean overburden soil removal has begun. Trenching to clear locations for sheeting along western edge of site in the waterfront area. Odors in the vicinity of the excavation. Ask Nick Recchia to have odor supressing foam machine in vicinity of excavation at all times to be used as needed. At time of site visit, foam machine was unused and was located on the opposite end of the site from the trenching area. Recchia said that in the meeting that had just finished he had brought the item up and they would have machine ready and also make neater excavation so that contaminated soil isn't strewn around the site.

2/21/06 - Obligado - PHone call to Nick Recchia regarding off-site investigation. Since utilities pose a problem in the alley way, soil borings will have to be hand dug and monitoring well will have to be installed using a vacuum truck. Ask that soil vapor probes be installed using hand auger at proposed locations according to SRIWP. He will send revised SWIWP.

2/22/06 - Obligado - Review revised SWIWP. Called Nick, asked that SWIWP be revised so that soil samples will be collected during the installation of the soil vapor points, instead of at separate locations "20 ft east and west of the monitoring well"

2/23/06 - Obligado - Discussion with Amar Nagi, asks where overburden material is being sent. Call Mary to find out.

2/24/06 - Obligdao - Email from Mary - "the clean overburden from the site is going to Overpeck in Ridgefield Park, NJ. The selection process for the petroleum-contaminated facility is still underway - will let you know when the decision is finalized - none of that material has left the site."

3/21/06 - Obligado - Site visit. Excavation on eastern portion has proceeded down to just above water table in some areas. Western portion sheeting installation on hold due to refusal in fill material. 1 ground water monitoring well and 7 soil boring/vapor monitoring points installed in Con Ed property to be sampled next this week.

3/22/06 - Obligado - Email from Mary, SPDES Equivalent application has been submitted to Al Fuchs in Division of Water.

3/24/06 - Obligado - PHone call from DEC Bruce Terbush, at DOW Permits in Albany. Asked if we had anymore ground water data to aid in determining SPDES discharge requirements. Emailed him a copy of the November 2003 Subsurface Investigation.

4/4/06 - Obligado - Phone message from Nick Recchia, no site activity this week. Contractors reassessing what to do about sheeting refusals.

4/5/06 - Obligado - Spoke to DOW Zacharias, said EPA was onsite and found stormwater and erosion prevention onsite inadequate. DOW visited site and confirmed. Lack of silt fencing, hay bails, around site and stock piles. Portions of site grade towards river.

4/6/06 - Obligado - Called Recchia, Igoe, and Flemming. Informed them that storm water prevention and erosion control onsite is not being implemented according to the approved RAWP. Scheduled meeting with Fleming and DEC for 4/7/06. Sent NOV letter requiring immediate implementation of Storm Water Pollution Prevention Plan (SWPPP). Stop work until it is implemented. Due date for implementation is 4/28/06. Called DOW Permits albany to inquire about SPDES equivalent application, left message.

4/7/06 - Obligado - email from Bruce in DOW permits. Said he produced draft limits and they are under review by Water Quality division. DEC meeting with Ben Igoe(JMS Construction Management), Jeff Shelkey (EEA), and Arnie Flemming (FLS) and DOW Islamabad and Zacharias, and DER Koon, Sun, Nagi. Ben says SWPPP plan will be implemented immediately. A revised RAP will be submitted in which sheeting will be installed around site perimeter, 10 ft from the northern and southern boundaries, and 30 ft from the east river. Requests NFA letter to be sent once excavation is complete within sheeting area. DEC says we will discuss.

4/10/06 - Obligado - Spoke to Koon about NFA issue. He said he will discuss with legal.

4/12/06 - Obligado - On 4/12/06 the DEC held a conference call with Arnie Fleming and Ben Igoe for Vernon Realty Holdings and DEC Koon and DEC Sun in response to a request for the DEC to issue an NFA letter once clean soil endpoints are reached within the sheeted excavation area. The DEC proposed two options to the developer: 1) to send a letter certifying remediation of the area within the sheeting excavation with permission to build, but leave the spill number open until all residual and off-site contamination is remediated; or 2) to close the existing spill number upon reaching clean endpoints but to open a second spill number for the residual and off-site areas.

4/24/06 - Call Nich Recchi to see if remediation/construction still on hold. He says yes as far as he knows.

4/28/06 - Visit site with DEC Imdad Islamabad. Noticed deficiencies in Storm Water Pollution Prevention Plan. Informed Nich Recchia and Ben Igoe. Will revisit site next week.

4/28/06 - Obligado - Phone call from Mary Manto. Inquiring about SPDES EQuivalent Application. Did not have information to give her.

5/3/06 - Phone conversation with Al Fuchs in DOW Permits, he said that the Water Quality engineer has been on leave but is back and will handle the project. There are several projects with higher priority though.

5/4/06 - Obligado - Phone call from Nich Recchia confirming field visit tomorrow and to inform that work will begin again on Monday.

5/15/06 - Obligado - Called Nich Recchia to inquire about site activities. They are excavating clean material south side of property some material is being taken offsite, setting themselves up for sheet piling.

5/18/06 - Obligado - Informed by Nich Recchia that there were odors in excavation. Told him to back fill and foam. Shortly after I received notification from DEC Jane Oconnel of odor complaint called into DEC by ConED personnel. Went to site to inspect. Met EEA Jeff Shelkey. Excavation was still open on arrival. Told onsite personnel to foam and backfill contaminated soil. Went to ConEd building with Jeff and spoke with Vinny Kresic at ConEd. He said that odors were encountered in building. Some ConEd employees complained, however, odors dissipated quickly. Upon my arrival, the odors had long since dissipated. He said ConEd environmental response team was there earlier and surveyed the building and said building was safe and that work could resume.

5/19/06 - Obligado - Spoke to Ben Igoe. Notified him the Department required work to stop. Set up meeting for 5/22/06 to discuss. Sent Notice of Violation letter to Vernon Realty for failure to implement odor and vapor control measures during excavation as specified in RWAP. Emailed CC to Ben Igoe, EEA, and FLS. Sent email to Al Fuchs to inquire about SPDES Application. NOV letter referred to Legal.

5/23/06 - Obligado - called Con Ed Vincent Kresic facilities manager to discuss possible meeting. Tentative date is June 1, 2006.

5/24/06 - Obligado - Called Casey Obrien (718-707-4550) at Board of Education facilities manager, to inform of possible meeting.

5/24/06 - Obligado - With Koon Tang called Joe Conley, Community Board Chairperson, left message to call DEC.

6/1/06 - Obligado - DEC Meeting with Con Ed representatives, Community Board 2 Chair Joe Conley, Ben Igoe, Arnie Fleming, DEC sun, DEC Tang. General presentation about Remediation Project. Discuss RAP and CAMP plan. Joe had issues with the truck routing plan. Concerned that Vernon Boulevard is too congested with trucks. He proposed a new plan (east on 44 drive, south on 21st street, southwest on Jackson Avenue to LIE) and he would get back to us to confirm it is acceptable. Con Edison concerned with the CAMP Action levels being too high in light of recent odor incident at ConEdison facility. DEC will review levels. Joe Conley asked that we prepare a repository for documents. Ben Igoe said they began hammering through fill material with HBeam to break apart and clear through debris. He said it is working but it is slow process. Dredging work is still ongoing. Ben Igoe said anticipated excavation to begin in July.

6/2/06 - Delivery confirmation of NOV letter.

6/5/06 - Obligado - Site visit. Met with Jeff Shelkey. Sheeting installation in progress in unobstructed areas. Attempts to drive H-Beam to break apart debris unsuccessful. Will proceed with sheeting and soldier pile/lagging installation in unobstructed areas. Might need down hole hammer in shoreline areas. No odors encountered during visit.

6/7/06 - Obligado - Received Effluent criteria from Bruce Terbush, Bureau of Water Permits.

6/8/06 - Obligado - Received phone call from Community board Chair, Joe Conley. He confirmed that he wanted to change the truck route. I told him I would let the RP to change the truck route.

6/9/06 - Obligado - Sent letter to Vernon Realty Holdings with attached Effluent Criteria and Monitoring Requirements per DOW memo. Required submission of detailed treatment system design and confirmation gw samples prior to discharge.

6/16/06 - Obligado - Received voicemail from Raymo Gigante at American Lab with a question about Mercury Testing. (631-454-6100) Called Raymond back, he was wondering if they could use EPA Method 7470-7471 for Mercury testing because it has a detection limit of 0.1 ug/L which is below the Effluent Limitation of 0.7 ug/L. I told him I would talk to water quality and give him a call back. Called DOW Permits Bruce Terbush. Left message to call DEC.

6/16/06 - Obligado - Called Bruce Terbush. No answer.

6/20/06 - Obligado - Received phone call from Bruce Terbush. I asked him about alternate method. He said he would research and call me back. After research it was determined that the effluent limits on the DOW Memo are incorrect. The Mercury limit should be 0.7 nanograms per liter instead of ug/L. That is why they require the EPA Method 1631. He said he will send me a new memo with revised numbers.

Obligado - Called Raymo to inform him of changes. Called Ben Igoe to inform him of error on effluent limits. Left message to call DEC.

Obligado - Received New memo with revised numbers. Sent letter to Vernon Realty Holdings with new effluent limits attached.

Obligado - Site visit. Met with Nick Recchia. Soldier piles and lagging are being installed along the Con Edison property line.

6/20/06 - Obligado - Sent letter requiring additional offsite delineation. Required 1 additional well on ConEd property, one on Board of Ed, and geoprobe investigation of east river water front west of sheeting. Required workplan submission within 30 days.

6/29/06 - Obligado - Joe Mahon of Moretrench stopped by to submit Dewatering System designs. Nich Recchia submitted Off-site investigation Workplan via email. Proposes 1 additional well on ConEd property and 1 well on board of ed property and 10 soil borings along east river. Approved workplan and sent workplan approval letter.

7/10/06 - Obligado - Called Nick Recchia for site update. Left message to call DEC. Strike last week, no work from 6/30/06. Restarted today. Driving piles and lagging. Schedule for additional delineation - need additional ConEd access.

7/14/06 - Obligado - Received voice mail from Lema Jones. Odor incident in Con Edison. at approximately 7:15 AM, while doing pre-excavation of boulders for the sheeting installation along the East River, odors came out of the excavation and entered the Con Edison building next door. At the time the incident occurred, as per the Community Air Monitoring Plan, the remediation contractors on-site were monitoring and applying odor suppressing foam, however it did not prevent odors from moving off-site and entering the building. The excavation was foamed and backfilled with clean material. The odors dissipated immediately on-site. However, odors lingered in the Con Edison building for approximately 1 hour. During that time some Con Edison employees complained of burning eyes and nausea as a result of the fumes. Con Edison environmental monitors arrived at the site to make sure that indoor air quality was safe and allowed work to resume. By the time DEC Staff became aware of the incident, the odors had already abated. DEC staff will meet with the environmental consultants and

7/18/06 - Obligado - Meeting with environmental consultants and remediation contractors at the site on 7/18/06 to discuss odor mitigation strategies.

7/27/06 - Obligado - Called Nich Recchia, told him CAMP perimeter monitors should have a real-time hook up to consultant's

trailer, so data can be monitored continuously. Told him to start working on that immediately.

8/1/06 - Obligado - A meeting was held with the Responsible Party (RP). The DEC required the RP to upgrade their Air Monitoring system to include real-time data transmittal and alarms for exceedances. The DEC also required a second foaming unit be mobilized to the site. Discussed the possibility of adding filters to Con Edison air intakes. Department Staff notified the Responsible Party to immediately do a small test pit on-site and collect air samples upwind, inside the excavation, down wind, and at the site perimeter to determine composition and concentration of vapors are coming out of the subsurface. This data can be used to design an appropriate air filtration system at Con Edison air intakes. Also required designation of a Site Engineer who has authorization to start and stop work and who is available to be contacted 24 hours a day. This will be Jeff Shelkey - 516-317-0245.

8/4/06 - Obligado - A meeting was held with representatives from the adjacent Con Edison building. The odor incident on 7/14/06 was discussed. Con Edison was concerned with the lack of laboratory analyzed air sampling data at the site and inside Con Edison to determine risk to their employees. Department Staff also discussed with Con Edison the possibility of allowing the RP to install an air filtration system for Con Edison's air intakes. Con Edison was open to this potential mitigation measure.

8/4/06 - Obligado - A second phoming machine was delivered to the site.

8/9/06 - Obligado - A Notice of Violation letter was sent to the Responsible Party on 8/9/06 (and forwarded to the Legal Department) for failure to follow the ambient air sampling requirements as laid out in the Community Air Monitoring Plan (CAMP) of the RAWP. The RAWP, approved by the Department on February 10, 2006, contained a Community Air Monitoring Plan (CAMP) that describes odor and vapor control procedures and expanded air monitoring that will be implemented during all invasive remedial work involving disruption of impacted material. Section 3.1 of the CAMP proposed "routine laboratory analysis of on-site ambient air" if noticeable odors/vapors are detected and/or action levels are exceeded. As of 8/4/06, no laboratory analysis of ambient air has been conducted on-site. Similarly, Section 4.5 of the approved RAWP proposed "confirmatory laboratory analysis of ambient air in the event of an off-site odor or vapor occurrence." To date, two odor incidents were reported by the neighboring Con Edison facility on 5/18/06 and 7/14/06 and no confirmatory laboratory analyzed ambient air samples were collected. This is a violation of the RAWP and of the Stipulation Agreement.

8/10/06 - Obligado - Sent a Odor and Vapor Emergency Response Summary sheet, summarizing actions to be taken by remediation contractors at the site. The summary sheet is a summary of items included in the RAWP. Also contains relevant contact information and general best work practices for odor mitigation.

8/16/06 - Obligado - Was informed by EEA of oil spill which occurred on 8/15/06. The spill was a result of dredging for East River revetment installation. A sheen appeared on the surface of the river and escaped past the boons. A new spill number was called in and Kumar Patel responded shortly after. (see closed spill #0605639) Con Ed called the spill number in after detecting odors in their building. EEA immediately responded at collected Summa canister air samples from the site perimeter, the air exchanger vents, and the impacted classroom inside the building. Initial screening results with Draeger chip system show ND for conaminants of concern. Summa canister results will be in next week.

8/18/06 - Fowarded the Odor and Vapor Emergency Response Summary sheet to Randy Austin to provide to his spill responders.

8/18/06 - Obligado - Received a communication between Ben Igoe and Con Edison. Summarizes agrrements reached at a meeting between Con Ed and Vernon Realty on August 9th. Con Edison requested additional foaming. Vernon Realty will mobilize a third foaming machine to site. Con Edison requested baseline air sampling and emergency response air sampling. Summa canisters should be available on site. Con Edison also required Draeger Chip System for screening air samples. Other issues included air filtration system, site telephone communication roster, weekly reports to be sent to Lema Jones at Con Edison as well.

8/21/06 - Obligado - Received test pit air sampling analytical results and summary from EEA. The location of the test pit was in the area of the property where the highest concentration of odors and petroleum contamination has been previously observed. Test pit dimensions 10ft by 6ft by 12 ft depth ground water exposed with sheen of petroleum. 4 samples collected, 2 from pit (TP1A and TP1B), one upwind and one downwind. Samples analyzed by method TO15 canisters. Highest concentrations from TP1A, showing 22 n-Hexane ug/m<sup>3</sup>, 12 ug/m<sup>3</sup> cyclohexane, 32 ug/m<sup>3</sup> 2,2,4-Trimethylpentane, 17 ug/m<sup>3</sup> n-heptane, 15 ug/m<sup>3</sup> toluene, 28 ug/m<sup>3</sup> total xylene, 14 ug/m<sup>3</sup> ethyltoluene, 26 ug/m<sup>3</sup> 1,2,3-trimethylbenzene. TP1B had overall slightly lower concentrations except for 2,2,4-trimethylpentane at 33 ug/m<sup>3</sup>. Upwind and downwind samples all significantly lower and appear to be at background levels. Discuss with Koon Tang, upon receipt of indoor air sampling results, will forward to NYSDOH for guidance.

8/23/06 - Obligado - Received initial dewatering results. All constituents below SPDES Limits except pH, which is 9.57. Called Joe Mahone at Moretrench. He explained that the high pH number might have been caused by the new carbon. Initial slugs of gw through new carbon units sometimes show elevated pH readings, but the pH numbers drop down as treatment continues. I advised Joe Mahone that this high pH would not prohibit authorization to proceed with dewatering, but he should monitor pH and possible take corrective action if the numbers do not drop.

8/28/06 - Obligado - received SPDES Equivalent Limit modification request from Moretrench. Requests modification of Mercury level from 0.7ng/L to 200ng/L. Forwarded request to Bruce Terbush at DOW.

8/31/06 - Obligado - Forwarded indoor air sampling results to Dawn Hettrick at DOH.

9/5/06 - Obligado - Received revised SPDES Equivalent limits from Bruce Terbush. Sent Letter to Vernon Realty Authorizing discharge to the East River.

9/6/06 - Obligado - Email from Nick Recchia - "We are planning to schedule the installation of the additional off-site monitoring wells on the ConEdison and Board of Education properties Friday and Monday. The soil borings along the west sheeting line and East River will be likely scheduled for late next week as soon as we secure a capable drilling contractor."

9/19/06 - Obligado - Visited the site. Vernon realty wanted to collect endpoint samples in 3 grid locations where they reached the bottom depth of soil contamination. I visited the site to inspect endpoint sampling. I only approved endpoint samples in 2 of the grid locations. Samples were collected from each section and will be analyzed for 8260/8270. Walked through the entire site. Dewatering well installation complete around half the site. Sumps were being utilized excavation areas to remove any ponded water and product. Foam covered bottoms and sides of all excavations.

9/20/06 - Obligado - Email from Nick Recchia - They are scheduled to install the offsite monitoring wells at Con Ed and the Board of Ed buildings on Tuesday Sept. 26th starting at 7AM. The MW's will be developed after installation and sampled after two weeks

9/30/06 - Obligado - Dewatering wells have been installed along the north and west boundaries of the site, and are currently being installed along the southern boundary. The Dewatering system has been turned on and is operational in the northwest portion of the site. Effluent is currently discharging to the NYC sewer system and has not yet begun to discharge to the East River. The offsite investigation is on-going, and two additional off-site ground water monitoring wells were installed on 9/26/06, on the Con Edison and Board of Education properties. Vadose zone soils have been excavated along the north, west, and southern site boundaries. Saturated zone soils will not be excavated until the dewatering system has lowered the water level to an acceptable level. There are currently three operational foaming units at the site that are being used to suppress odors.

10/4/06 - Obligado - Sent disapproved notice of a proposal to modify the RAWP to include the use of kiln dust to reduce moisture levels in soils. Required that a proposal that addresses DER concerns be resubmitted and that a petition for Beneficial Use Determination (BUD) be submitted to the Division of Solid and Hazardous Materials. Also on 10/4/06, the NYSDEC was notified by the remediation contractors of an odor occurrence in the Con Edison facility. Remediation contractors immediately collected indoor air samples from inside the Con Edison building.

The air sampling results were all below DOH background levels. As a result of the odor occurrence, Department Staff required the Responsible Party (RP) to stop intrusive activity, reassess site conditions, and submit a revised RAWP.

10/10/06 - Obligado - A meeting was held on with the RP and remediation contractors to discuss the odor issues and the kiln dust proposal. Told them that the Department requires a BUD for use. Also discussed a revised plan for a more controlled excavation in smaller grids and excavating each grid until all contaminated soil is removed in that grid. They will submit a proposal. Also required direct load out without exceptions and absolutely no soil screening.

10/25/06 - Obligado - Received a RAWP modification to control odors was submitted to the Department for approval which proposed limiting the size of the excavation to only one 50 ft x 50 ft grid area and excavating each area until all contaminated soil is removed, eliminating all stockpiling of contaminated soil via direct loading, and eliminating all screening of contaminated soil to remove larger debris and boulders. Also proposed use of tarps over non active faces.

10/26/06 - Obligado - Sent DER staff approved of the revised RAWP.

10/27/06 - Obligado - I visited the site and found that remediation contractors were not implementing the plan as proposed. They were not excavating where they said they would (along sheeting) and they were continuing the process of scraping of layers of contamination instead of remediation each grid in full. I sent the RP a notice of violation letter and forwarded the letter to legal. Notified via email that during excavation contractors discovered 3 previously unknown petroleum USTs. According to EEA, the USTs will be properly closed, registered, and removed as per PBS regulations.

10/29/06 - Obligado - I visited the site for inspection and found the remediation contractors were implementing the revised RAWP as proposed this time. In accordance with the revised RAWP contractors had eliminated all stockpiles and soil screening and implemented direct loading. Foam and tarps were being utilized to cover all exposed contaminated soil and the excavation was limited to one 50 ft by 50 ft grid at a time.

11/3/06 - Obligado - Email from Lema Jones - odor incident reported. Called Jeff to confirm that RAWP was being followed. He said they were following the could pin point the source of the odors as it occurred about the same time when they were wrapping up for the day and loading out the last truck for the day. EEA took air samples inside Con Edison.

11/6/06 - Obligado - Email from Lema Jones reporting another odor incident. Spoke to Jeff, notified to stop work. Jeff collected air samples in the Con Edison building. The Department notified the RP to stop remedial work until filters are installed on the Con Edison building HVAC system air intakes.

11/7/07 - Obligado - Meeting onsite with Jeff Shelkey for soil endpoint sampling oversight of blocks 82 and 93.

11/8/06 - Obligado - DEC held a meeting with the RP. They said they will install filters, cover trucks with tarp and tie shut, and they would utilize multiple trucks.

11/8/06 - Obligado - DER staff forwarded indoor air sampling results from the two previous odor incidents to the Department of Health Chris Doroski. According to DOH staff the levels detected generally appear to be consistent with background.

11/20/06 - Obligado - DEC Legal has sent a consent order to the RP for all past Stipulation Agreement violations.

11/27/06 - Obligado - Installation of the activated carbon filters into the HVAC system was completed. Also on 11/27/06, subsequent to filter installation, indoor air samples were collected inside the Con Edison building to establish baseline conditions prior to remedial start up. After inspecting the filters and baseline sampling, DER staff notified the RP that remedial work could resume.

11/29/06 - Obligado - Visited the site to inspect start-up. Odor incident reported by Con Edison. Trucks were not being covered. Only one foaming machine operational. Remedial contractors were not prepared to restart excavation but they began anyway. Upon returning to the office I sent an email requiring:

1) 2 foaming machines operating at all times during the excavation process. 1 foaming machine should foam the excavation face and bucket and 1 foaming machine should foam the inside of the truck after each load is dropped.

2) All trucks should be covered with a tarp or sheeting and tied down immediately after loading is complete.

Notified the RP that it was their last chance to prove remediation could be done without a tent.

12/4/06 - Obligado - Email from Jeff Shelkey. Excavation will resume on Tuesday.

12/5/06 - Obligado - Email from Jeff Shelkey: We have finished excavating in Block 84, as we are down to a clean, fine grained grey sand with no odors. I have instructed BWE to continue excavating into Block 71 to fill the remaining trucks. Excavation in that block will most likely occupy most of tomorrow.

12/6/06 - Obligado - Email from Jeff Shelkey: BWE has informed me that they will continue excavating in Block 71, heading toward Block 58 tomorrow. If they finish 71 tomorrow, they will start in 58 tomorrow afternoon.

12/7/06 - Obligado - Email from Jeff Shelkey: BWE is just finishing the excavation in Block 71 today and will proceed with the excavation in Block 58 tomorrow. There were eight trucks today, and ten are scheduled for tomorrow. If Block 58 is finished, we will continue excavating in Block 45.

12/8/06 - Obligado - Email from Jeff Shelkey: Excavation and removal of contaminated soils has been temporarily halted due to freeze up of the foam machine. All trucks were turned away at 0700 this morning and BWE is working to replace/repair all heat tracing and heat pads on all foam machines. Excavation will continue as proposed on Monday proceeding from Block 71 towards Block 58.

12/8/06 - Obligado - Received RAWP Modification letter from FLS. Included requested language from 11/29/06 email.

12/11/06 - Obligado - Sent approval email to Ben Igoe.

12/12/06 - Obligado - Email from Jeff shelkey. Need to change plans and excavate along Con Edison foundation. Site inspection, remediation contractors were excavating according to RAWP. 2 Foaming machines were being used. All trucks were foamed and covered with plastic sheeting prior to leaving site.

12/19/06 - Obligado - Met Jeff Shelkey onsite for oversight of endpoint sampling in blocks 83,84, and 71.

12/22/06 - Obligado - Received endpoint sampling results from Block 71. They were over SCOS for VOCs. Emailed Nick Recchia to continue excavating in 71.

12/27/06 - Obligado - Request from Jeff Shelkey and Vernon to backfill Blocks 93, 82,83, & 84. A review of endpoint results showed blocks to be clean. Sent email approval of request.

1/5/07 - Obligado - Request from Jeff to test final excavation clearance soil samples from Blocks 69, 70, 56, 57, 44, and possibly retest Block 71.

1/12/07 - Obligado - Met Jeff Shelkey onsite for oversight of endpoint sampling of blocks 69,70,56, 57.

1/23/07 - Obligado - After review of endpoint sampling data, email to Jeff Shelkey approving backfilling Blocks 56,57,69, and 70.

1/23/07 - Obligado - Email from Lima Jones at Con Edison. Odors were reported at 3:04 pm students were evacuated from classroom. Spoke to Jeff Shelkey, he collected air samples and draeger chip samples at 3:30. He said when he took samples students had returned to class and he did not smell any odors. According to follow up email from Lema at 3:57 the odors had dissipated and students returned to the classroom. Sent an email to Ben Igoe requiring all remedial activities at the site cease. Any exposed contaminated soil in the excavation should be covered with foam and tarps immediately so that the contaminated soils are completely sealed off from the atmosphere. All scheduled trucking for tomorrow must be cancelled. A report summarizing today's events should be submitted including analytical results from the indoor air sampling and perimeter monitoring. The report should discuss conditions which might have led to this incident and recommendations for how to move forward. Excavation cannot resume until Department approval.

1/24/07 - Obligado - Met Jeff Shelkey onsite for oversight of endpoint sampling of blocks 71, 48, and 53. Received summary report from Nick Recchia. All perimeter monitoring stations were below action levels. According to field report, last trucks had left by 15:00 and they had begun covering excavation when the odor complaint was received. Con Edison indoor air results were all below DOH background levels.

1/31/07 - Obligado - Received RAWP Modification workplan. Proposed excavation in heavily contaminated areas during early AM hours - 5-7 AM, and working in other areas during normal working hours to minimize effect to Con Edison. Also proposed wind sock installation on sheeting to stop and start excavation based on prevailing wind directions. When wind is blowing towards Con Edison they will not excavate in contaminate areas. Emailed Jeff Shelkey to inquire if it was legal to work between 5 and 7 AM and how long it would take. He replied that they would need to get a permit from the City each week and that it would probably take 4-5 weeks of early start days to complete work in heavily contaminated areas.

2/5/07 - Obligado - After discussion with Nagi, Brevdo, sent RAWP disapproval email to Belgoe requiring more comprehensive plan then just relying on changing winds and scheduling.

2/7/07 - Obligado - Received emailed request from Shelkey on behalf of Vernon to continue underpinning under Board of Edison building. Based on limited scope and low potential for odor issues, sent approval email to Jeff.

2/8/07 - Obligado - Meeting at the DEC with Ben Igoe (JBS), Arnie Fleming, Nick Recchia (EEA,Inc) DEC Nagi, Brevdo, Sun, Obligado to discuss RAWP modification proposal. Proposed the following additional measures.

- More care during excavation covering process, no scraping off of foam which caused previous incident
- Misting system
- Localized air scrubbers in excavation area

- 40 ft high tarping allong perimeter with Con Edison to prevent wind from blowing towards building
  - Previously proposed wind socks to monitoring prevailing wind directions
  - Previously proposed early work start
- They will submit a Proposal and DEC will review.

2/16/07 - Obligado- Received RAWP modification proposal. Proposes dividing site into operable units OU-1 and OU-2. OU-1 consists of less contaminated areas, OU-2 consists of more contaminated areas. During work in OU-2, proposes: 1) 30'X 200' odor barrier along Con Edison Traning facility fence line, raised and lowered daily. 2)engineer and install a misting system. 3)design and install an activated Carbon Vaccum Extration Syste with a portable inlet duct and a flow capacity of approximately 2000 CFM. Intake nozzle to be deployed at the point of active contaminated soil excavation. Proposes starting work in OU-1 upon Department approval using previously DEC approved odor control measures. It will take approximately 30 days to implement all the OU-2 odor control measures, prior to beginning work there. Will caucus with Nagi,Sun, and Brevdo to discuss prior to approval.

2/21/07 - Obligado - Emailed Nick Recchia with additional questions about RAWP.

3/2/07 - Obligado - After conference with DEC Nagi, Sun, Brevdo, approve RAWP modification.

3/12/07 - Obligado - Excvation restarted.

3/13/07 - Obligado - Site visit. Excavating in Grid 92. 2 foaming machines operating. Odors under control.

3/26/07 - Obligado - Phone conversation with Jeff Shelkey. Excavation on hold because the disposal facility in Philadelphia is full and not accepting anymore material. On Friday, they sent excavated material to another facility in New Jersey, however, that facility notified Blue Water that they would not accept anymore material until they received an MSDS for the foam which is being applied to the soil.

4/16/07 - Obligado - Called Jeff Shelkey to confirm no runoff from heavy rain storms had left the site. Jeff said all water was contained by sheeting around the site and flowed into the excavations all flood water was pumped out via the dewatering system. No flood water had left the site.

5/2/07 - Obligado - Received phone call from Nick Recchia and email. They requested to close out the northeastern most portion of the site due to the fact that petroleum contamination had not been found in any previous borings in that area. I reviewed the previous boring logs and confirmed that no contamination was detected via PID readings or visual evidence. However, no laboratory analyzed samples were collected in this area so I requested a geoprobe assessment to collect soil samples for laboratory analyses. I met Jeff Shelkey on site to mark out the boring locations. I requested 5 sampling locations to confirm there was no contamination in this area. Jeff said they would conduct the assesment the following day.

6/21/07 - Obligado - Visited site to do endpoint sampling in grids 90 79 66 and 53. In each grid several test pits were dug with shovel and screened with PID. 2 samples with highest PID were collected from each grid.

6/21/07 - Obligado - After returning from the field received a callf from Jeff Shelkey. They reached the extent of the excator's reach in grid 65 - down approximately 40 ft. He said they need to take a sample now. I told them to go ahead and sample.

7/11/07 - Obligado - After returning from Fit Testing training, at 10:30 I received an email from Lema Jones:

"At approximately 7:30 am, we received complaints of a noxious odor in the building. Complaints were mainly from students on the third floor.

TLC personnel spoke with Mr. Vincent Eldora about the odor complaints and requested sampling.

At approximately 9:50 am odor persist in the building and the parking lot. Samples still have not been taken."

Also cc on email from Jill Asch to Lima Jones:

"...I just called the DEC hotline and gave them the below information. Someone will be getting back to us ASAP. I will stay by the phone for the call and will let you know what happens."

I called Jill Asch about the incident. She was not in the building but reported same as above. I then called Lima Jones, left message. I then spoke with Jeff Shelkey to get an update. He said he was at Con Edison Sampling. I asked if they were still digging at the site, he said yes. I notified Jeff that they should stop work. I then spoke with Steve Sangesland who said they hadn't received any calls for odor incidents from Con Edison, but they did receive a call from the neighbor to the north of Con Edison at 800 AM reporting a release of Ammonia from a stack.

I didn't get in contact with Lima Jones until 11:47 - I asked if they were petroleum odors. She said yes. She said that they notified Vincent Eldora of Blue Water approximately between 830 and 900 AM of the odors in the building, but EEA did not come over with canisters until 1020.

At 1200 I went to go visit the site. All excavation had ceased and workers were covering excavations with tarps. Spoke with Vinny Eldora, who said he was notified of the odor incident at 915, and he provided me with a incident report. No one onsite noticed any unusually strong odors coming out of excavation, and that the EEA field staff doing perimeter monitoring did not notice any odors. Met with Jeff Shelkey, who had completed indoor air sampling. Jeff will provide an incident summary report. I informed contractors that excavation should not resume until approval is given from DEC, but they could resume any nonexcavation type activities. I also informed contractors that the Department would consider issuing NOV due to 1) not stopping excavation and 2) delay in collecting indoor air samples.

7/12/07 - Obligado - Received odor incident report.

7/16/07 - Obligado - Received and reviewed a proposal to continue excavation in AOC1 and expand AOC2. Sent email to Nich asking how long it would take to finish AOC1.

7/17/07 - Obligado - Forwarded NOV letter to John Urda for failure to properly implement CAMP.

7/19/07 - Obligado - Received indoor air data from Con Edison. Elevated levels of isopropanol (over 20,000 ppb) however there is not DOH background number for this compound. I forwarded the data to DOH for review to determine if there is a health risk. I sent an email to Lima Jones and Jill Asch asking if there were any unusual activities or products being used inside the building at the time of the incident. Also upon request, I emailed them the lab data. Email from Nich Recchia, his lab contractor says that the elevated compounds don't appear to be from petroleum. I did a google search and found isopropanol was indeed a gasoline additive used to prevent gasoline from freezing.

7/20/07 - Obligado - After discussions with DEC Sun, Brevdo, and Nagi, sent email rejecting proposal to expand AOC2 and continue in AOC1. Department instead requires implementation of additional odor engineering control measures for all areas prior to restarting.

7/23/07 - Obligado - Sent paper copy of NOV to Vernon Realty.

8/31/07 - Obligado - Received RAWP Modification.

9/4/07 - Obligado - Meeting with Vernon Realty. Vernon Realty presents RAWP modification. Major components included: (1) Maximum depth of excavation is 15 ft bgs (2) Tent over Area of Concern 2 (3) Follow existing procedures in AOC1. Propose to leave contamination in place based on assertion that the contamination is immobile. The RAWP contained an analysis of the residual contamination in 17 soil samples in AOC2. The analysis compares the measured product saturation to the laboratory derived residual saturation level for the soil, and found the levels in the soil samples from the site were at least an order of magnitude lower. So, according to the report, the product should not migrate.

1/25/08 - Obligado - Below is a summary of events which occurred between 9/4/07 and 1/25/08:

- 9/7/07 - Steve Panter, the new project manager for Fleming Lee Shue, submitted a work plan for additional investigation to determine mass and distribution of contamination that will remain in AOCII according to proposed RAWP Mod.

- 9/10/07 - After discussing some modifications with Steve Panter, Steve submitted a revised proposal which I approved.

- 9/17/07 - Steve submits a summary report of soil sampling performed in AOCI.

- 9/18/07 - I sent email to Chris Mesbah asking for endpoint samples results that were collected in grids 90, 79, 66, 53, and 65, that I had not received. Chris will try to obtain results or resample.

- 10/2/07 - Sent email to Steve approving recommendations in the AOC1 soil sampling report - of grids tested only remediation is required in 49.

- 10/9/07 - Received Summary Report for AOCII investigation.

- 10/19/07 - Phone conversation with Steve Panter discussing the AOCII summary report. We discussed the sampling plan for remaining grids, reuse of AOCII soil, continuation of gw monitoring, depth of excavation.

- 10/26/07 - Received modified RAWP based on our previous discussions.

- 11/9/07 - After review of RAWP mod sent email to Steve disapproving plan as written and requesting some text changes.

- 11/12/07 - Received and reviewed revised RAWP mod with requested changes

- 11/13/07 - Sent approval letter to Steve and Vernon.

- 1/4/08 - Meeting with DEC Sun, Brevdo, Obligado, FLS Steve Panter, Chris Mesbah, Joe from Bluewater. Vernon provided a project schedule as per DEC request in approval letter. In meeting agreed that Vernon would provide specs for containment structure and air handling system and an air monitoring plan for effluent. Agreed that a preconstruction start up meeting will be held prior to startup.

1/25/08 - Obligado - Had a preconstruction start up meeting at the site. Posillico, CMA, DEC, Hydrotech, and Fleming Lee Shue were all present.

## Summary of items discussed:

- Site meetings to be held once a week on Tuesdays
- Drawings for Containment structure, air handling system, air monitoring plan will be submitted. Blue water will be conducting monitoring air discharge system and carbon usage.
- CAMP stations delivered to site on Monday and should be up and running Monday
- Endpoint samples will be collected on Tuesday in those grids which were previously sampled but analytical results are unavailable.
- Dewatering system was activated. Discharge is now to East River. I reminded them that DEC has jurisdiction over discharge to river and all monitoring results should now be submitted to me, where as before discharge was going to NYC sewer system and DEP had jurisdiction.
- Excavation will resume in AOC1 starting in southeast corner, and moving west. Excavated material will be used onsite to back fill previously excavated areas. Loading and off-site disposal will not begin until grid 49 is encountered. Soils from 49 will be disposed off-site.
- Foaming machines will be operating for excavation
- They will submit new contact list.
- I recommended they reach out to Con Edison prior to start-up.

1/25/08 - I Called Joe Mahon at Moretrench to discuss the East River discharge, left message to call back DEC. Joe called me back later that day and he said that contrary to what was said in the meeting they have not started discharging to the river yet, that they were only preparing to go to river, i.e, modifying piping, pumps, etc. We discussed the monitoring program as per the SPDES Equivalent permit. According to the permit, the water should be sampled prior to discharge to confirm compliance with limits, than weekly for 8 weeks, than monthly thereafter. He will collect a sample on Monday and email the results to me.

1/29/08 - Obligado - Called Lima Jones and Jill Asch to notify that we would be starting work this week. Left message on their voice mails.

1/29/08 - Obligado - Onsite meeting. Posillico, CMA, DEC, Hydrotech, and Fleming Lee Shue were all present. Discussed dewatering discharge. Discharge is not going to river yet. I reiterated the permit requirements. They need to renew several construction permits. They got the CAMP system up and running with 3 stations, one upgradient and two downgradient. I oversaw endpoint sampling at grids 40,53,66,65, and 44. They wanted to sample 32 and 45 but those grids were not down to depth yet according to the RAWP.

1/29/08 - Obligado - I received a call from Paula Jones, who is the replacement for Lima Jones. I updated her on the status of the project. She gave me the name Kevin Connolley who is the building super. She would call me back tomorrow with his phone number.

2/1/08 - Obligado - Approved backfilling in approves backfilling of AOC I grid cells 40, 53, 66, 65, 79 that were sampled last Tuesday, and Grid 90 that was sampled yesterday. Elevations in these grids are all well below development depth and range from approximately -7 feet QBD to -15 feet QBD, and soil samples in theses grids looked acceptable.

2/4/08 - Obligado - Review progress report 1 - Air monitoring below limits.

2/5/08 - Obligado - Site meeting

2/8/08 - Obligado - Review progress report 2 - Work progressed for only one-half day this week because the NYC Dept. of Buildings (DOB) shut the job down due to a Board of Education Building permit violation that was inadvertently linked to underpinning at the River East site. Only minor movement of clean soil from one clean grid cell to another occurred. The DOB issue has since

been resolved and work will resume on 2/11/08.

2/12/08 - Obligado - Site meeting. The tent and air handling designs were submitted by Poscillico.

2/13/08 - Obligado - At least 2 tanks were found during excavation. Impacted soil beneath tanks.

2/14/08 - Obligado - Site visit to inspect excavation. Odorous soils encountered. Contractors were using foam to control odors. Instructed contractors to cover soils with foam temporarily and dispose of soils off-site due to odors once off-site trucking operations begin.

2/14/08 - Obligado - Received comments from FLS regarding tent and air handling designs. They recommended altering system to handle 6 air exchanches per hour instead of 4.

2/14/08 - Obligado - Received dewatering system sampling result. System is currently discharging to the city combined sewer. They plan to discharge to East River. I confirmed the results are below SPDES limits. I sent an email to Steve authorizing discharge to East River. They should sample weekly for 8 weeks, then monthly. Ccd results to Chan at DOW.

2/15/08 - FLS submitted registration for 4 USTs to Nick Lombardo.

2/19/08 - Obligaod - Site Meeting. We discussed tent and air handling designs. I asked FLS to submit a cover letter describing changes to the tent and air handling system previously submitted. I also asked for an OM&M plan - who will be monitoring, how often, what limits, etc. We discussed that air permit may not be required due to site under STIP. Poscillico submitted lab analyticals for fill which they wish to import.

2/20/08 - Obligado - Review weekly monitoring report. CAMP monitoring was below levels.

2/25/08 - Obligado - After review of lab analyticals I approved the use of this back fill material.

2/26/08 - Obligado - Site meeting. Excavation in AOC1 on going. We discussed UST registration. They will continue updating and submitting registration forms as USTs are found. We discussed air discharge. I said i would forward steve the STIP air discharge limits.

2/28/08 - Obligado - Review weekly update report. An additional UST was encountered, making the total of new USTs found 5. FLS submitted an updated registration. "PID readings ranged from 0.0 ppm to 0.6 ppm most of the time. But no significant VOC (PID > 5 ppm for a 15-minute period) were detected either by the fixed or mobile air monitoring stations. Endpoint samples were collected from Grid Cells 86, 87, 88, and 89. Grossly contaminated soil was removed from Grid Cells 35, 36, 50, 51 and 63 and is continuing to be removed and shipped off site. Odor control is being implemented and so far has been effective. Air monitoring results are all within acceptable limits. USTs are scheduled for removal the week of 2/25/08. Odor control efforts remain effective. "

2/28/08 - Obligado - REview dewatering system effluent discharge. Results are below SPDES limits. CCd results to Chan at DOW.