

## **B.J. Jones**

President & CEO

### **Battery Park City Authority**

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New York, NY 10281

(212) 417- 4211

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June 8, 2022

Tammy Meltzer

Chair, Manhattan Community Board 1

1 Centre Street, Room 2202 - North

New York, NY 10007

Re: South Battery Park City Resiliency

Dear Chairperson Meltzer:

The Battery Park City Authority ("BPCA") submits this letter in response to a May 27, 2022 letter from Manhattan Community Board 1 ("CB1") regarding the South Battery Park City Resiliency Project (the "SBPCR Project"). Your contributions over the years have helped shape this project in meaningful ways and have enhanced our efforts to help protect Lower Manhattan. The responses to your requests are below.

- 1) REQUEST: Originally requested at CB1's April 2022 Environmental Protection Committee meeting, a plan showing the pedestrian, bike and car traffic flow to better understand exactly what will and will not be available to the public for the next two years.

RESPONSE: Please see the attached pedestrian, bike and traffic plan for Phase 1 of the SBPCR Project construction, slated to begin in late summer 2022. Phase 1 will cover the Museum of Jewish Heritage and Wagner Park segments of the Project. Phase 2 of construction will cover the Pier A Plaza and The Battery segments of the Project and is expected to begin construction in fall 2022. The final pedestrian and bike detour plans associated with Phase 2 are being finalized in coordination with NYCEDC and NYCDPR and will be transmitted to CB1 when completed. There are no detours anticipated for regular motor vehicle traffic flows for either construction phase.

- 2) REQUEST: Acknowledgement from the NY Department of Transportation, BPCA, Downtown Alliance, and New York City Transit (NYCT) that there is a plan to relocate bus stops to accommodate construction mobilization and staging as well. A confirmation that this plan will incorporate CB1 requests as possible and community review as part of the plans.

RESPONSE: The proposed temporary relocation of existing bus stops to accommodate construction activity will not be made until after the construction contractor is brought on board by BPCA. The contractor will be required to maintain access and egress for buses and bus passengers during the execution of the work by temporarily relocating bus stops as needed. This coordination will be done through the BPCA Construction Manager with NYCT, NYCDOT, and the Downtown Alliance. Once BPCA has received the contractor's initial proposed plan to temporarily relocate existing bus stops, the proposed plan will be provided to Community Board 1 for input and comments before it is submitted to NYCT, NYCDOT, and the Downtown Alliance.

- 3) REQUEST: Robust communication plan for engaging with all local residential building tenants, schools, daycare centers, afterschool programs, and private instructional centers about SBPCR and open space alternatives for their kids.



**Battery Park  
City Authority**

**RESPONSE:** In recent weeks BPCA has redoubled our efforts to ensure community-wide engagement regarding the Project and its impacts to open space in the Project area. BPCA has posted signage within Wagner Park as well as in building lobbies across the community, and has sent a mailer directly to all Battery Park City residents to inform them of the park's closure, designs for the new park, and where to learn more about the project itself. These efforts are ongoing. As the SBPCR Project transitions from design to construction, BPCA's construction manager on the project, The LiRo Group, will assume primary day-to-day responsibility for supporting and working alongside BPCA in the continuation of its current robust communication and community outreach program for the Project all the way through the completion of construction.

This next phase of the Project's community engagement plan will ensure ample opportunity – via multiple means and venues – for regular, meaningful communication between the Project team and the various stakeholder groups. Local residents, schools, daycare centers, and instructional centers are key constituents within the broader category of Project stakeholders that will continue to be engaged through BPCA's community engagement efforts. A dedicated community liaison will be assigned to the project to assist in these efforts.

Recognizing that the SBPCR Project, along with certain other nearby construction project expected to overlap the duration of the Project, will limit the accessibility to and use of public space and park resources in the immediate area of the Project's construction for significant portions of the next two years, BPCA has made provision to accommodate all programmed activities currently occurring in Wagner Park at other locations within Battery Park City, where over 30 acres of our 36 acres of public space will remain available and welcome to all. Beloved community programs will continue uninterrupted. In addition, BPCA will continue to seek opportunities to provide or advocate for public space alternatives for the community during construction of the SBPCR Project.

4) **REQUEST:** A fly-through illustrating SBPCR.

**RESPONSE:** Multiple fly-through animations illustrating the various segments of the completed SBPCR Project were presented at the May 19, 2022 Draft EIS public hearing. They are available for viewing on the BPCA website and alongside the scale model of the Project at the community room at 200 Rector Place, with the entrance on the east side of the building.

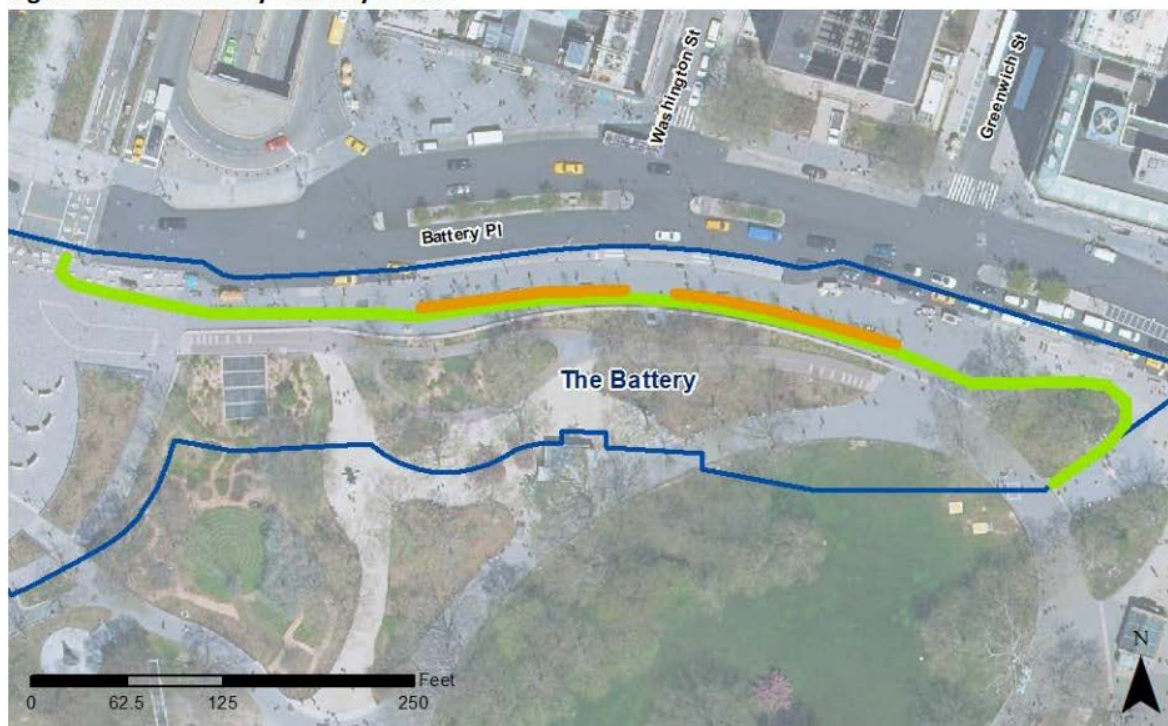
5) **REQUEST:** CB1 requests a revised plan with architectural drawings that we can see and share publicly that show inclusion of a bike lane along Battery Place, or a plan that shows how bike users may be effectively diverted from the Battery Bike Path to the Hudson River Greenway. This is already an issue that will only be exacerbated by construction in Wagner and has not been included in the new designs.

**RESPONSE:** The new design does not change the bike-path connection from The Battery to Hudson River Greenway. The Battery Bikeway crosses over Battery Place at the same location as it currently does, and connects directly to the Hudson River Greenway. The new design will, however, enhance safety by creating greater separation between pedestrian and bike traffic as the Bikeway crosses at the north end of Pier A Plaza, before connecting to the Hudson River Greenway. Please see below graphic from the Draft Environmental Impact Statement which shows this detour. Please note that the pedestrian detour is still being coordinated with NYC DOT.






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City Authority**

**Figure 3.15-11: Battery Bikeway Detour**



**Legend**

-  Bikeway Detour
-  Project Area
-  Water-Filled Barrier

Currently, the proposed design does not include a bike lane in either the northbound or southbound traffic lanes on Battery Place west and north of Little West Street. As previously reported, BPCA is exploring this option with NYCDOT, notwithstanding that this location is not a current NYCDOT priority for new bike lanes. The next step in this process of coordination will be the completion of certain traffic flow studies in coordination with NYCDOT. BPCA will continue to update the community as it moves forward with these studies.

- 6) **REQUEST:** CB1 requests more information and clarification on the storage/staging plan during construction, including confirmation that it will be out of view and will not obstruct pedestrian/cyclist flow.

**RESPONSE:** Please see the attached storage/staging plan for Phase 1 of the Project construction (beginning late summer 2022), which illustrates that the construction staging and storage will be largely out of public view and will not result in any cumulative impacts to pedestrian/cyclist flow. The storage/staging plan for Phase 2 of the Project construction (beginning fall 2022) is being finalized in coordination with NYCEDC, NYCDPR and NYCDOT and will be shared with CB1 upon its completion.

- 7) **REQUEST:** CB1 received notification of the SBPCR DEIS on May 4, 2022. A public hearing on the DEIS was held on May 19, 2022, and the deadline for public comment is June 3, 2022. Thirty days in and of itself is a very short amount of time for the public to review, digest and prepare comment on a highly technical document that is over 400 pages long. Members of the public relied on the presentation on the DEIS to be able to understand the content of the DEIS, and after the May 19 hearing on the DEIS, that leaves only two weeks left to prepare feedback by the deadline. CB1 urges that the deadline for comment on the DEIS is extended to allow the public sufficient time to understand the material and prepare a response.

RESPONSE: As previously announced, although the notification period originally provided for comments to the Project's DEIS conformed with applicable regulatory guidelines, BPCA has, in consideration of CB1's request, extended the deadline for DEIS comments to Friday, June 10, 2022.

Given the extended DEIS comment period and its impact on the remaining EIS schedule, and also in recognition of the community request for a construction commencement after Labor Day 2022, the Project's construction commencement will be deferred until after Labor Day, September 5, 2022.

- 8) REQUEST: In light of recent concerns among the community based on the DEIS, CB1 requests more information and clarity on the soil sampling in Wagner Park and throughout the construction area that specifies any potentially hazardous materials within the soil that may be disturbed during construction, and mitigation measures in place to safely remediate and minimize community impacts.

RESPONSE: Please see the attached memo prepared by AECOM to provide further clarification regarding soil testing results and mitigation measures to be employed during SBPCR Project construction.

- 9) REQUEST: CB1 requests additional confirmation that there is no need to conduct lead or asbestos abatement with regards to the demolition of the Wagner Pavilion.

RESPONSE: While it is expected that, given the age of the Wagner Park Pavilion, no lead or asbestos was used in its construction, testing to confirm this expectation will be conducted in the coming weeks, prior to the commencement of demolition. Results from these tests will be shared with CB1 as soon as they are available.

Thank you for your leadership and ongoing partnership in providing constructive community input throughout the development and execution of this project. Together, we are providing vital protection to Wagner Park and the adjacent community in the face of increasingly severe and frequent storms that pose a true threat to Lower Manhattan.

Sincerely,



B.J. Jones  
President & CEO  
Battery Park City Authority

cc: Manhattan Borough President Mark Levine  
City Council Member Christopher Marte  
Assembly Member Yuh-Line Niou  
Assembly Member Charles D. Fall  
New York State Senator Brian Kavanagh  
New York City Public Design Commission  
Mayor's Office of Climate & Environmental Justice  
NYC Economic Development Corporation

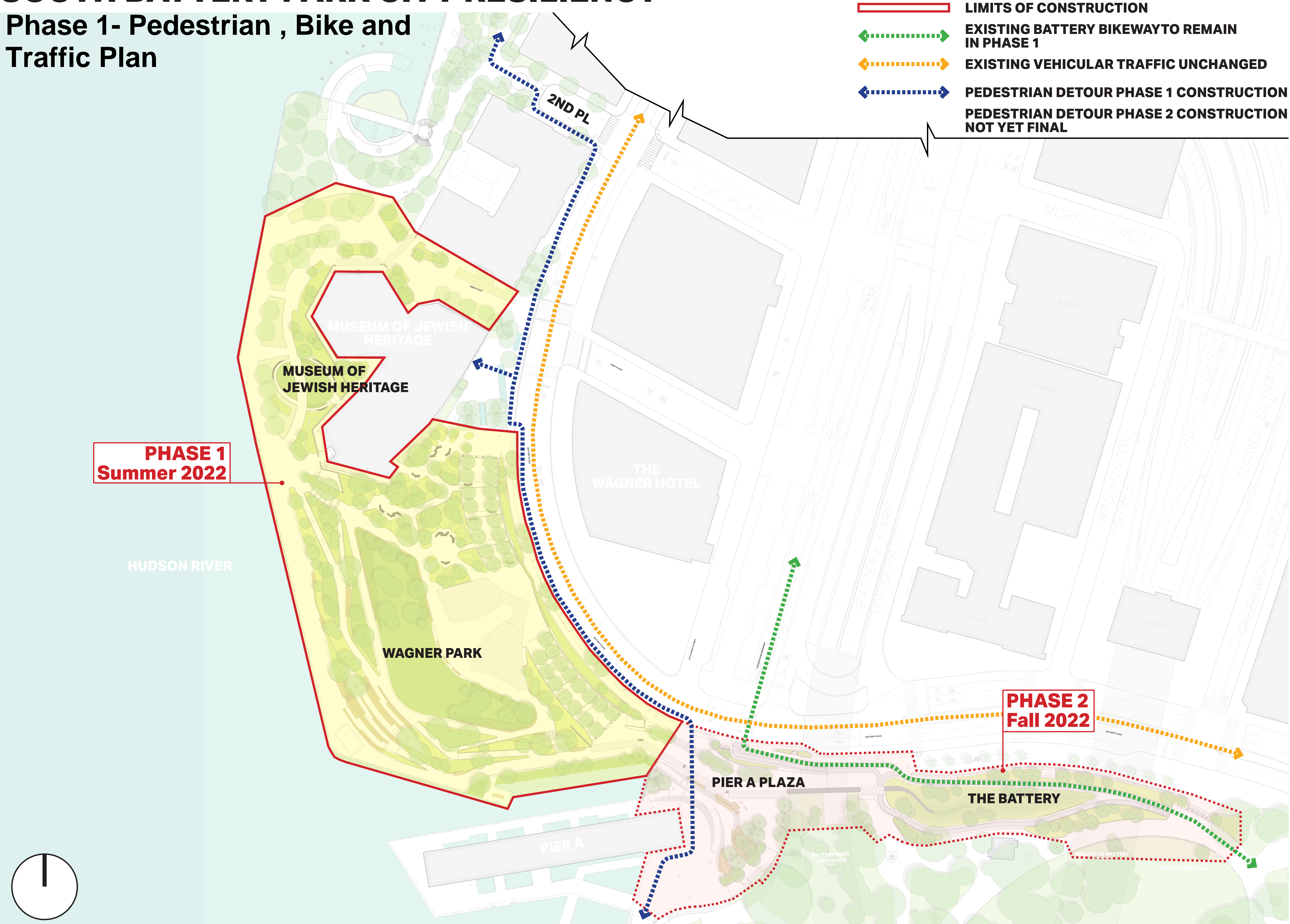


**Battery Park  
City Authority**



# SOUTH BATTERY PARK CITY RESILIENCY

## Phase 1- Pedestrian , Bike and Traffic Plan





ANSI D 22" x 34"

CONSTRUCTION  
MANAGER TRAILERS

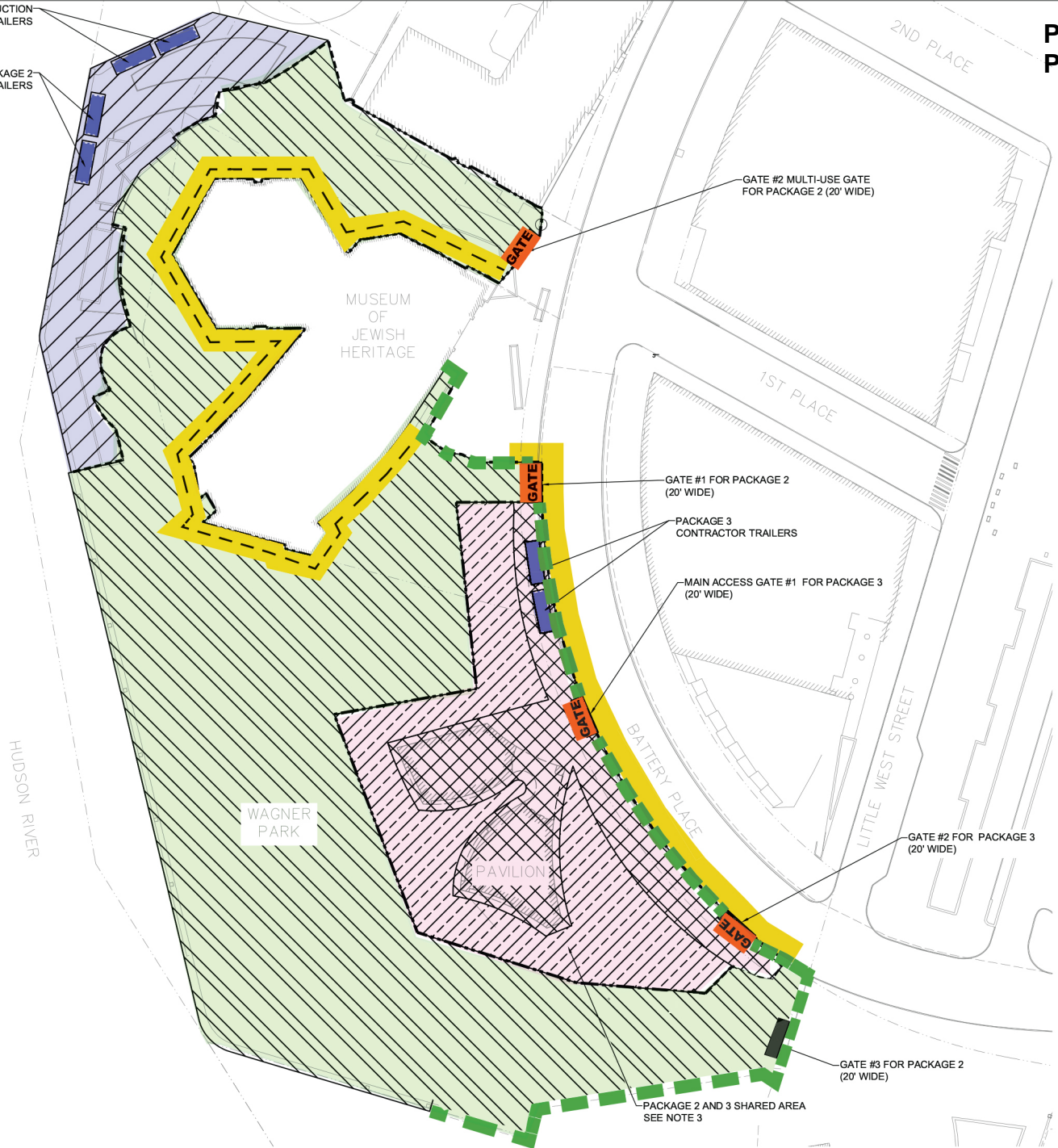
PACKAGE 2  
CONTRACTOR TRAILERS

# Phase 1 - Construction Staging Plan

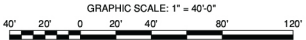


**LEGEND:**

	AREA A- PACKAGE 2 STAGING AREA
	AREA B- PACKAGE 2 AREA OF WORK
	AREA C- PACKAGE 3 AREA OF WORK
	AREA D - PACKAGE 2 AREA OF WORK PACKAGE 3 STAGING AREA
	<b>GATE</b> CONSTRUCTION ENTRANCE
	MOVEABLE BARRIER
	CONSTRUCTION FENCE
	PEDESTRIAN PATH



**PLAN**  
SCALE: 1" = 40'



Last saved by: KUBONK2021-12-23 | Last Project: 2021-12-23  
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AECOM  
605 Third Avenue  
New York, NY 10158  
aecom.com

**Project name:**  
South Battery Park City Resiliency Project

**Project ref:** CEQR #21BPC001M

**To:**  
Gwen Dawson  
Vice President of Real Property

Battery Park City Authority  
200 Liberty Street, New York, New  
York 10281

**From:**  
Renee Ducker and Al Lopilato

**Date:**  
June 7, 2022

**CC:**  
Rachel Dencker, PE  
Antoine AbiDargham, PE

# Memo

## **Subject: SBPCR Soils Analysis**

In response to an inquiry from Manhattan Community Board 1, Battery Park City Authority ("BPCA") has requested that AECOM provide additional information and clarification regarding the soils and groundwater analysis for the South Battery Park City Resiliency Project (the "SBPCR Project" or the "Project"), specifically addressing the detection of certain hazardous materials within the Project area and planned soil handling and disposal procedures and safety protocols. This memo summarizes the background, significance, and Project response to the soils and groundwater conditions within the SBPCR Project area.

As described in greater detail below, AECOM's soil sampling has identified the presence of certain hazardous materials within the soil and groundwater on the Project site (notably, no evidence of hazardous waste was detected). Though the presence of hazardous materials exceeds State and City guidance values, measured levels are in line with typical levels found in other urban fill projects in New York City. Such exceedances being relatively commonplace, local, state and federal regulations and guidelines have been promulgated to address safe handling, mitigation and disposal measures as they may be applicable to specific soil and groundwater conditions. Consequently, the contractors selected to complete the SBPCR Project will be required to take all specific precautions prescribed by the BPCA plans – described further below – that have been prepared to comport with this regulatory guidance. This memo includes four sections: (1) a description of the distinction between hazardous materials and hazardous waste, (2) a description of the hazardous materials found in soils on the Project site, (3) protocols pertaining to the safe reuse and disposal of soil contaminated with hazardous materials, and (4) construction protocols for such soils and groundwater.

### **1. Distinction between hazardous materials and hazardous waste.**

A **Hazardous Material** is any substance that poses a threat to human health or the environment. The 2021 New York City Department of Environmental Protection (NYC DEP) City Environmental Quality Review (CEQR) Technical Manual identifies hazardous materials that may be of concern as including, but not limited to, Heavy Metals, Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (SVOCs), Methane, Polychlorinated Biphenyl's (PCBs), Pesticides and Dioxins. Hazardous Materials are a very broad category of potential site contaminants.

A **Hazardous Waste** is defined by regulations promulgated under the Federal Resource Conservation and Recovery Act and by the New York State Department of Environmental Conservation, found at 6 NYCRR Part 371, as solid wastes that either meet one of four characteristics (chemically reactive, ignitable, corrosive, or toxic) with respect to defined test methods or are listed in one of following: 1) a generic list of chemicals that are hazardous regardless of the source that produces them; 2) a list of wastes from specific industrial sources; and 3) a list of chemicals that are deemed hazardous wastes if they are discarded or intended to be discarded rather than used as intended. There are slight differences between the state and federal regulations.

Other less commonly encountered hazardous materials include radionuclides (e.g., radiation sources) and biological wastes (e.g., medical waste). When these are managed in accordance with applicable regulatory requirements (e.g., in a hospital or laboratory setting), they would not be expected to be associated with adverse effects. However, when evidence is found that they have been abandoned or are otherwise mismanaged, the appropriate regulatory agencies (i.e., DEP, the New York City Department of Health and Mental Hygiene (DOHMH), New York State Department of Health (NYSDOH), New York State Department of Environmental Conservation (NYSDEC), the United States Environmental Protection Agency (USEPA), or the Nuclear Regulatory Commission (NRC)) should be contacted for additional guidance.

**2. Encountered levels of hazardous material in SBPCR soil and groundwater are above the applicable State and City thresholds but are not atypical for urban fill or urban use areas.**

The Study Area for the SBPCR Project covers a residential and commercial neighborhood in the Battery Park City section of Lower Manhattan, along with public space and park area associated with Pier A and The Battery.

According to the historical sources reviewed, the western portion of the Study Area consisted of the Hudson River and the New York Harbor, with four piers extending from the shoreline between 1894 and 1971. These piers were used to support railroad and transportation operations. Other than some modifications to several pedestrian walkways in the 1950s due to the construction of the Battery Tunnel, this shoreline portion of the Study Area has remained a greenspace. In 1971, the buildings located on the piers were removed. In 1974, the piers were also removed and the shoreline was extended several hundred feet into the river with urban fill. In 1985, South Park was developed on the site currently occupied by Wagner Park. In 1997, the main building of the Museum of Jewish Heritage was constructed and the Wagner Park pavilion was also constructed. The East Wing of the Museum of Jewish Heritage was constructed between 2000 and 2003. There is no history of industrial operations in the Study Area based on historical review.

Based on information gathered during site history research, this waterfront area was filled to raise the topographic grade and create the ground that constitutes this section of the Study Area. This was a common practice for decades.

Testing during the Phase II Limited Site Investigation Report indicated that the fill material sampled within the Study Area does indeed contain hazardous materials, consistent with the historic fill found throughout New York City. Soil analytical results were compared to the NYSDEC Part 375 unrestricted, residential, and commercial use Soil Cleanup Objectives (SCOs). The results indicate that most exceedances of residential and commercial SCOs were limited to polynuclear aromatic hydrocarbons (PAHs) and metals at relatively low levels. One sample also exhibited an exceedance for dieldrin, a commercial insecticide. The presence of hazardous materials at these concentrations are not indicative of the disposal of hazardous waste in the Project area, but are consistent with the presence of historic fill. As discussed in Section (4) below, specific protective protocols have been developed to ensure worker health and safety and the safety of the surrounding community.

While elevated levels of hazardous materials were detected, it is not expected that significant additional levels of hazardous materials would be encountered during construction or that hazardous materials encountered during construction would be characterized as hazardous waste.

Ground water analytical results were compared to NYSDEC's Part 703 Groundwater Quality Standards (GQS) (class GA) and/or the NYSDEC Ambient Water Quality Standards (AWQS) or Guidance Values (AWQSGV). The results indicated chloroform, hexachlorobutadiene, PAH compounds, PCBs, aluminum, and iron were detected above the AWQSGV. The groundwater results are also consistent with typical impacts from fill material and are not indicative of an environmental spill or release.

**3. Reuse/Disposal of Contaminated Soils.**

Subject to specified handling and testing requirements as promulgated in 6 NYCRR Part 360, soils contaminated with hazardous materials may either be reused onsite to the extent permissible or transported offsite for disposal or recycling in accordance with applicable laws and regulations.

Additional waste characterization sampling will be required prior to disposal to establish that the soils to be disposed meet the individual disposal facility requirements. All hazardous and non-hazardous soil and other wastes that are disposed off-site will be documented via manifests and bills of lading and hauled by licensed waste haulers. Prior to any off-site contaminated soil disposal, each disposal facility will provide documentation in writing to the site owner or general contractor charged with soil disposal activities, stating they have reviewed the waste characterization testing for the material they will receive, have approved the material for receipt, and the quantity approved. A copy of the permit for the selected disposal facility must also be provided to the Engineer or Construction Manager.



#### 4. Construction Protocols for Contaminated Soils and Groundwater.

Measures to prevent exposure to construction workers, the public, and the environment during and after construction activities are detailed in a Remedial Action Plan ("RAP") and a Construction Health and Safety Plan ("CHASP"). Both documents are being reviewed by the New York City Department of Environmental Protection ("NYC DEP") for final approval.

In summary, all construction activities must meet the below requirements:

- During construction activities, all excavated material can be reused on-site if it meets the requirements of NYSDEC Part 360-13 regulations.
- If excavated material does not meet the requirements for reuse on-site and requires off-site disposal, sampling and analysis of the material as required by NYSDEC and the disposal facilities will be conducted;
- If excavated material is encountered that displays visual or olfactory indications of contamination, it will be appropriately segregated on-site;
- Import of materials to be used for excavation backfill or embankment will be performed in compliance with the RAP and in accordance with all local, state, and federal laws. Imported material will be tested at the source facility and analytical data made available for review prior to the material being imported to the site;
- Stormwater pollution prevention measures will be implemented in accordance with the RAP and all local, state, and federal laws;
- If underground storage tanks (USTs) are encountered (including any piping or apparatuses), it will be removed/closed in accordance with the RAP and all applicable New York City and/or NYSDEC regulations;
- Management of any subsurface fluids (groundwater), if generated, will be in accordance with the RAP and all local, state, or federal regulations;
- Management, removal and/or disposal of any hazardous building materials, including but not limited to, asbestos containing material (ACM), lead painted surfaces, or PCB containing materials in accordance with the RAP and all local, state, or federal regulations.

As discussed in Section 3 above, excavated materials will be handled and reused or disposed of in accordance with applicable laws and regulations.

Dewatering will be conducted during construction and groundwater containing hazardous materials will be managed appropriately. All liquids including dewatering fluids will be handled and disposed in accordance with local, state, and federal regulations. If it is desired to discharge fluids to the New York City sewer system, approval must be sought and received from NYCDEP. Discharge to the sewer system requires additional analytical testing. If fluids do not meet the regulatory requirements for discharge to the sewer system, they will be characterized for off-site disposal at a permitted facility.

All fluids to be transported off-site for disposal will require waste characterization analytical sampling based on the requirements of the receiving facility. The fluid disposal facility will provide documentation in writing that they have reviewed the characterization data and approve the fluid for disposal. A copy of their permit to receive the fluid will also be provided. All contaminated fluid will be transported by a hauler licensed to transport the material.

Discharge of dewatering or other fluids to surface waters (stream or river) is strictly prohibited without a State Pollutant Discharge Elimination System (SPDES) permit issued by NYSDEC.

A Community Air Monitoring Plan (CAMP) has been prepared in accordance with Appendix 1A New York State Department of Health Generic Community Air Monitoring Plan contained within NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, May 3, 2010. Real-time air monitoring for VOCs and particulate levels will be conducted in accordance with the CHASP along the perimeter of the exclusion zone. Monitoring will be conducted during all ground intrusive activities and during all soil/fill or other regulated material handling. All readings will be recorded in a logbook and available for review by NYC DEP. Exceedances of action levels that occur during the workday will be corrected as they occur and recorded in a logbook.

Construction of the SBPCR Project will also establish a physical cap to prevent community exposure of residual contamination. The cap will include the following:

- The structures associated with the Museum of Jewish Heritage and existing pavement, etc. will remain and serve as a protective cap preventing contact with residual contaminated soil/fill;

- To meet projected DFEs for coastal surge, Wagner Park will be elevated 10 to 12 feet and the buried floodwall would be constructed beneath the raised park. The top two feet of soil will be clean fill;
- Areas of pedestrian and bike pathways will be paved impervious surfaces that also serve as a barrier between residual hazardous material and the public.

Once construction has been completed, the activities associated with removal/disposal and import of soil/fill material will be documented in a Remedial Closure Report (RCR). The report will be certified by a New York State Licensed Professional Engineer and submitted to NYC DEP.





**The City of New York**  
**Manhattan Community Board 1**  
Tammy Meltzer CHAIRPERSON | Lucian Reynolds DISTRICT MANAGER

May 27, 2022

B.J. Jones  
President & Chief Executive Officer  
Battery Park City Authority  
200 Liberty Street, 24th Floor  
New York, NY 10281

**RE: South Battery Park City Resiliency**

Dear President Jones:

We write today to follow up on pending requests, and to communicate ongoing questions and concerns regarding the South Battery Park City Resiliency project (SBPCR) that were raised during the May 2022 meetings of Manhattan Community Board 1 (CB1). While we support the need for resiliency in Lower Manhattan, CB1 has repeatedly questioned the need to raze the park and pavilion and is on record opposing this approach. CB1 has made extensive comment on SBPCR over the years, including resolutions in September 2017, May 2017, December 2018, February 2020, and letters to the NYC Public Design Commission in May 2021 and April 2022 ([see documents here](#)). It is crucial that the public has a full understanding of the SBPCR plan, the implications for its implementation, and impacts during phases of construction. CB1 requests the following:

- Originally requested at CB1's April 2022 Environmental Protection Committee meeting, a plan showing the pedestrian, bike and car traffic flow to better understand exactly what will, and will not be available to the public for the next two years.
- Acknowledgement from the NY Department of Transportation, BPCA, Downtown Alliance, and New York City Transit (NYCT) that there is a plan to relocate bus stops to accommodate construction mobilization and staging as well. A confirmation that this plan will incorporate CB1 requests as possible and community review as part of the plans.
- Robust communication plan for engaging with all local residential building tenants, schools, daycare centers, afterschool programs, and private instructional centers about SBPCR and open space alternatives for their kids.
- A fly-through illustrating SBPCR.
- CB1 requests a revised plan with architectural drawings that we can see and share publicly that show inclusion of a bike lane along Battery Place, or a plan that shows how bike users may be effectively diverted from the Battery Bike Path to the Hudson River Greenway. This is already an issue that will only be exacerbated by construction in Wagner and has not been included in the new designs.

- CB1 requests more information and clarification on the storage/staging plan during construction, including confirmation that it will be out of view and will not obstruct pedestrian/cyclist flow.
- CB1 requests more information and clarification on whether an elevator would be possible for the public to access the pavilion structure.
- CB1 received notification of the SBPCR DEIS on May 4, 2022. A public hearing on the DEIS was held on May 19, 2022, and the deadline for public comment is June 3, 2022. Thirty days in and of itself is a very short amount of time for the public to review, digest and prepare comment on a highly technical document that is over 400 pages long. Members of the public relied on the presentation on the DEIS to be able to understand the content of the DEIS, and after the May 19 hearing on the DEIS, that leaves only two weeks left to prepare feedback by the deadline. CB1 urges that the deadline for comment on the DEIS is extended to allow the public sufficient time to understand the material and prepare a response.
- In light of recent concerns among the community based on the DEIS, CB1 requests more information and clarity on the soil sampling in Wagner Park and throughout the construction area that specifies any potentially hazardous materials within the soil that may be disturbed during construction, and mitigation measures in place to safely remediate and minimize community impacts.
- CB 1 requests additional confirmation that there is no need to conduct lead or asbestos abatement with regards to the demolition of the Wagner Pavillion.

Sincerely,



Tammy Meltzer, Chairperson



Alice Blank, Vice Chairperson  
Chair, Environmental Protection Committee

CC: Manhattan Borough President Mark Levine  
City Councilmember Christopher Marte  
Assemblymember Yuh-Line Niou  
Assemblymember Charles D. Fall  
New York State Senator Brian Kavanagh  
New York City Public Design Commission  
Mayor's Office of Climate and Environmental Justice  
NYC Economic Development Corporation