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March 5, 2014

**VIA E-MAIL**

Director, Environmental Assessment and Review Division  
Department of City Planning  
22 Reade Street  
New York, NY 10007

and

Director, Bureau of Environmental Planning and Analysis  
Department of Environmental Protections  
59-17 Junction Boulevard  
Flushing, NY 11368

Re: Riverside Center Parcel 2 BIT Associates, LLC,  
Parcel 2 - Independent Environmental Monitor  
Monthly Report No. 15  
February 1, 2014 - February 28, 2014  
D&B No. 3323

To Whom It May Concern:

The purpose of this letter report is to provide the New York City Departments of City Planning and Environmental Protection (Agencies) with the Monthly Report for the Riverside Center 2 BIT project. This report covers environmental monitoring activities for the construction of Building 2 located within Parcel 2 which is a portion of a larger subject property. The subject property is bounded by West 62nd Street and Riverside Park to the north, West 59th Street to the south, the Hudson River to the west, and buildings at the west ends of West 60th, 61st and 62nd Streets to the east. This construction project includes Parcel 2 located at the northeast corner of the Subject Property, on West 61st Street near West End Avenue in Manhattan, New York.

This Monthly Report documents the level of compliance with the Construction Mitigation Measures (CMMs) required under Article III of the Parcel LMN Restrictive Declaration dated as of September 1, 2011 (Restrictive Declaration), for the reporting period from February 1, 2014 through February 28, 2014. Pursuant to the Agreement for Professional Services, dated as of October 22, 2012, (Agreement) between Riverside Center Parcel 2 BIT Associates, LLC and

Director, Environmental Assessment and Review Division  
Department of City Planning  
and  
Director, Bureau of Environmental Planning and Analysis  
Department of Environmental Protection  
March 5, 2014

D&B Engineers and Architects, P.C., (D&B), D&B has been retained by the Riverside Center Parcel 2 BIT Associates, LLC (Riverside) to provide technical support with regard to serving as the Independent Environmental Monitor (IEM) during the mobilization, geoarchaeological investigation, excavation and foundation activities as well as other construction related activities for the residential building. As required by the Restrictive Declaration and Agreement, D&B has prepared this Monthly Report.

### **Description of Riverside On-Site Construction Activities Conducted During This Reporting Period**

Excavation and foundation activities continued on-site throughout this reporting period. During this time, a drill rig, six excavators, one payloader, one mobile crane, three boom lifts and several dump trucks were utilized on-site, and activities consisted primarily of excavation of soil around the elevator pit, laying of the foundation, pouring concrete forms, installing tie-backs, drilling caissons, demolition of a portion of the existing railway tunnel, dewatering, and loading and trucking of excavated soil for off-site disposal. Night-time work continued during this reporting period for the purpose installing wall forms and demolition activities located along the active AmTrak railway. Since the railway is active during the daytime, Amtrak requires that the work be performed at night as to not interfere with or endanger passing trains. Loaded dump trucks were tire-washed prior to exiting the site from the stabilized construction entrance/exit on 59th Street to prevent tracking of soil onto surrounding streets.

### **Description of IEM Inspection and Monitoring Activities Conducted During This Reporting Period**

The IEM was on-site daily (Monday-Friday) during this period. Three permanent monitoring stations (1, 2 and 3) equipped with a Quest Technologies SoundPro Model No. SE/DL sound level meter, a TSI DustTrak-II particulate meter and a MiniRAE 3000 (ppb RAE 3000) Photoionization Detector were utilized on-site during the month of February. A handheld Quest Technologies sound level meter was utilized throughout the reporting period to spot check noise levels to confirm compliance with the levels mandated in the Restrictive Declaration. Monitoring Station 1 has been equipped with a weather station which monitors weather conditions including temperature, pressure, relative humidity, wind speed and direction. The data is transmitted to an on-site computer. Preset alarms alert the IEM if levels of particulates, noise or VOCs exceed established thresholds. Dust monitoring was suspended during periods of rain to prevent damage to the DustTrak-II and whenever the humidity was above 85% to prevent erroneous readings.

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VOC monitoring was also suspended during periods of heavy rain to prevent damage to the PID. During night-time work the monitoring stations were run overnight in order to monitor night time activities which are scheduled to be completed from 11 pm to 5 am.

The IEM also monitored equipment on-site and daily compliance with the other CMMs during the reporting period. This included monitoring equipment utilized on-site and confirming use of Ultra-low Sulfur Diesel.

Logs documenting the equipment utilized on-site during the period are provided as Attachment 1 to this letter report.

### **Environmental Construction Mitigation Measures**

Article III of the Restrictive Declaration, lists CMMs that must be utilized to mitigate certain potentially adverse environmental impacts associated with construction activities for Parcel 2. A table summarizing the status of implementation and description of how implementation was monitored and verified for each of the required CMMs is provided as Attachment 2 to this letter report.

### **Construction Mitigation Measure Violations and Public Complaints (if applicable)**

Based on the information provided by Riverside and its contractors, observations on-site, and through preparation of this monthly report, the IEM has determined that the construction activities undertaken during this reporting period by Riverside have been in substantial compliance with Article III of the Restrictive Declaration. Should the IEM determine that Riverside has failed to implement or to cause its contractors to implement a CMM, in accordance with Section 3.1(h) of the Restrictive Declaration, the IEM will notify the General Counsels of the Departments of City Planning and Environmental Protection of each alleged violation, and provide documentation establishing the basis for the determination.

The IEM has not received any complaints from the public during this reporting period.

### **Status of Payment of Invoices**

In accordance with Section 4 of the Agreement, the status of payment for services invoiced as of this report is as follows:

Director, Environmental Assessment and Review Division  
Department of City Planning  
and  
Director, Bureau of Environmental Planning and Analysis  
Department of Environmental Protection  
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There are no outstanding invoices that were submitted to Riverside by D&B 60 days prior to the end of February 2014.

If you have any questions or comments, please contact me at (516) 364-9890, Ext 3009.

Very truly yours,



Brian M. Veith, P.E.  
Vice President

BMV/KM/nc  
Attachments

cc: M. Sangiori (Dermot)  
A. McCabe (DCP)  
J. Luden (DCP)  
R. Petrella (D&B)

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**ATTACHMENT 1**  
**VEHICLE/EQUIPMENT LOGS**

**Attachment 1**  
**Riverside Center 2 BIT Project - Parcel 2**  
**Independent Environmental Monitoring Program**  
**Construction Vehicle/Equipment Log**  
**February 2014**

**Contractor Name: Scalandre and Sons**  
**Contractor Contact Person/Phone No.:**

**NOTES:** ULSD = Ultra Low Sulfur Diesel    ECD = Emission Control Device  
G = Unleaded Gasoline    DOC = Diesel Oxidation Catalyst  
E = Electric    DPF = Diesel Particulate Filter  
B = Battery    CARB = California Air Resources Board  
DFI = Direct Fuel Injection    EGR = Exhaust Gas Recirculation  
ECM = Emission Control Module    CAC = Charge Air Cooler

Contractor Reference No.	Vehicle/Equipment Type	Power Source/ Fuel Type	Equipment Make	Equip. Model & Year	Waste Conveyance Number	License Plate # & Equip. VIN #	Equip. HP Rating	ECD Type (DOC/DPF)	ECD Manuf.	ECD Make	ECD Model	ECD (EPA/CARB) Verif. No.	ECD Install Date
<b>Civetta Cousins Joint Venture - Foundation Contractor</b>													
Gramercy	PC-228 LC-3 Excavator	ULSD	Komatsu	PC-228 LC-3	---	KMTPC161R2040446	150	DPF	---	---	---	EPA Tier 3	---
Gramercy	PC-490 LC-10 Excavator	ULSD	Komatsu	PC-490 LC-6	---	A40487	359	---	---	---	---	EPA Tier 4	---
Hayward Baker	Drill Rig	ULSD	Casagrande	C8	---	---	200	---	---	---	---	EPA Tier 3	---
Hayward Baker	1150XH / Air Compressor	ULSD	Sullair	1150XH	---	200606130024	540	---	---	---	---	EPA Tier 3	---
Hayward Baker	225D LC Excavator	ULSD	John Deere	225D LC	---	1FF225DXKBD501759	159	---	---	---	---	EPA Tier 3	---
PSS	Welder / Generator	ULSD	Multiquip	DLW-400ESA	---	5695556	---	---	---	---	---	EPA Tier 4	---
PSS	PDS185s / Air Compressor	ULSD	Airman	PDS185S	---	84-6020966	55	---	---	---	---	EPA Tier 3	---
PSS	WA470-6 Payloader	ULSD	Komatsu	Mine-X Sootfilter/2011	---	13856SM/90388	272	DPF	---	---	---	EPA Tier 3	---
PSS	PC-200 LC-6 Excavator	ULSD	Komatsu	PC200LC-6LE	---	A85219	150	DPF	---	---	---	EPA Tier 3	---
PSS	PC-200 LC-7 Excavator	ULSD	Komatsu	Mine-X Sootfilter/2011	---	A86544	150	DPF	---	---	---	EPA Tier 3	---
PSS	250GLC / 290GLC Excavator	ULSD	John Deere	250GLC	---	1FF250GXCBE608046	---	---	---	---	---	EPA Tier 4	---
PSS	Mobile Crane	ULSD	Liebherr	LTM 1130-5.1 / 2008	---	066 046	503	---	---	---	---	EPA Tier 3	---
PSS	Boom Lift	ULSD	JLG	600AJ/ 2014	---	300179943	82	---	---	---	---	EPA Tier 3	---
PSS	Boom Lift	ULSD	JLG	600AJ/ 2008	---	0300131143	82	---	---	---	---	EPA Tier 3	---
PSS	Boom Lift	ULSD	JLG	460SJ/ 2013	---	177231	50	---	---	---	---	EPA Tier 3	---

**ATTACHMENT 2**

**CONSTRUCTION MITIGATION MEASURE  
COMPLIANCE SUMMARY**

**ATTACHMENT 2**

**PROJECT COMPONENTS RELATED TO THE ENVIRONMENT FOR CONSTRUCTION COMPLIANCE SUMMARY**

**Independent Program Monitor  
Riverside Center 2 BIT Project Parcel 2  
February 2014**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
<b>Section 3.01 Project Components Related to the Environment for Construction</b>	
Declarant shall implement and incorporate as part of its construction of the Development as appropriate the following PCRE's related to Construction prior to any commencement of construction of the Subject Property:	
<b>(a) Construction Air Emissions Reduction Measures</b>	
(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, the following measures for all construction activities (including, but not limited to, demolition and excavation) during the development of the Subject Property or Parcel:	
1. To minimize hourly emissions of NO <sub>2</sub> to the maximum extent practicable, non-road diesel-powered vehicles and construction equipment meeting or achieving the equivalent of the United States Environmental Protection Agency ("EPA") Tier 3 Non-road Diesel Engine Emission Standard shall be used in construction, and construction equipment meeting the Tier 4 standard shall be used once Tier 4-compliant equipment is widely available for use in New York City and the use of such equipment is practicable.	During this reporting period, based on information provided by the General Contractor, all equipment on-site are listed as Tier 3 or Tier 4 or have been retrofitted to meet the Tier 3 requirements.
2. All non-road, diesel-powered construction equipment with engine power output rating of 50 horsepower or greater that will be or is anticipated to be used twenty (20) or more days over the course of the project shall utilize the best available tailpipe technology to reduce diesel particulate emissions. Construction contracts shall specify that all diesel non-road engines rated at 50 horsepower or greater shall utilize active or passive diesel particle filters (either original equipment manufacturer or retrofit technology) verified under either the EPA or California Air Resources Board ("CARB") verification programs.	The IEM has conducted visual inspections of the equipment on-site and has confirmed that all equipment on-site with 50 HP or greater has been retrofitted with diesel particulate filters, if required.
3. All on-site diesel-powered engines shall be operated exclusively with ultra-low sulfur diesel (ULSD) fuel.	Based on information provided by the General Contractor, the diesel-powered equipment utilized on-site are fueled by ULSD only.
4. Idling of all vehicles, including non-road engines, for periods longer than three minutes shall be prohibited on the Subject Property, except for vehicles being used to operate a loading, unloading or processing device (e.g., concrete mixing trucks).	Truck idling time is restricted in accordance with the requirements in the New York City Administrative Code Subchapter 7 § 24-163. During this reporting period no trucks were idling on-site.

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
<p>5. The use of diesel and gasoline engines, including generators, shall be minimized through the maximum practicable use of (1) electric engines operating on grid power, and (2) lighting devices, illuminated traffic control signals and signs operating on grid, battery, or solar power. Construction contracts shall require the use of electric engines where practicable. Subject to 3.01(a) (ii) of the Restrictive Declaration, Declarant shall ensure the distribution of power connections throughout the Subject Property as needed. Equipment that shall use grid power rather than diesel engine power shall include, but not be limited to, cut-off saws, masonry bench saws, material hoists, table saws, welders, and water pumps.</p>	<p>The only diesel and gasoline engines utilized on-site during this reporting period are those associated with construction vehicles utilized for the excavation of soils, laying of the foundation, installation of piles, loading and trucking of excavated soil for off-site disposal and installation of tiebacks against the retaining walls. The Site is currently connected to the power grid for the construction trailers on-site.</p>
<p>6. Large emissions sources, such as concrete trucks and pumping operations shall be located, to the extent practicable, away from operable windows, fresh air intakes, parks, and playgrounds.</p>	<p>Concrete mixers and trucks were used for filling forms and laying the mud slab for the elevator pit and were not located near any sensitive areas.</p>
<p>7. All ready-mix concrete delivery trucks and concrete pumping trucks shall be either retrofitted with a diesel particle filter as specified in 3.01(a)(2) of the Restrictive Declaration, or come equipped with an OEM emissions control package meeting 2007 or newer model year on-highway engine certification levels for particulate matter emissions of 0.01 g/bhp-hr (as per Title 40 of the Code of Federal Regulations § 86.007–11).</p>	<p>Concrete mixers and trucks were used for filling forms and laying the mud slab for the elevator pit and are retrofitted with diesel particulate filters.</p>
<p>(ii) To facilitate the use of electrically powered equipment and minimize the use of diesel and gasoline engines, not fewer than sixty (60) days prior to the anticipated date of commencement of demolition or excavation on a Parcel (whichever first occurs), Declarant shall apply to Con Edison to establish an electrical connection of such Site to grid power. A complete copy of such application shall be forwarded to DCP at the time the application is first sent to Con Edison. Upon connection to grid power, electrically powered equipment will be used to the extent practicable.</p>	<p>An electrical connection to grid power has been established for the Site. None of the construction equipment currently used on-site can be powered by electricity.</p>
<p>(iii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of Section 3.01(a) of the Restrictive Declaration, with respect to applicable work at the Subject Property.</p>	<p>All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.</p>
<p><b>(b) Fugitive Dust Control Plan.</b></p>	
<p>(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan for the minimization of the emission of dust from construction-related activities during development of the Subject Property or Parcel (the “Fugitive Dust Control Plan”), which Fugitive Dust Control Plan shall contain the following measures:</p>	

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
1. Fugitive dust from excavation, demolition, transfer of spoils, and loading and unloading of spoils shall be controlled through water spraying.	The IEM conducts visual inspections during construction activities and fugitive dust is controlled through water spraying. No fugitive dust was observed during this reporting period.
2. Large piles of soil, rock or sediment either shall be kept wet, coated with a non-hazardous, biodegradable dust suppressant and/or covered to prevent wind erosion and fugitive dust. Longer term stockpiles shall be covered with a tarp weighted down with sand bags.	All soil piles on-site are wetted during the work day and covered at the end of the work day if not trucked off-site.
3. Concrete and rock grinding, drilling and saw cutting operations shall be wet blade or misted if significant dust is being generated. Such operations, if occurring in an enclosed space, shall utilize vacuum collection or extraction fans.	The IEM conducts visual inspections during construction activities to ensure that all rock grinding, drilling and saw cutting operations have been wet blade and/or misted. During this reporting period wet blade saw cutting operations were performed on the top portion of the existing Amtrak tunnel.
4. All trucks hauling loose soil, rock, sediment, or similar material shall be equipped with tight fitting tailgates and covered prior to leaving construction areas.	Trucks carrying soil and sediments off-site have been equipped with tight fitting tailgates and are covered prior to leaving the construction site.
5. Stabilized areas shall be established for washing dust off of the wheels of all trucks that exit construction areas. All vehicle wheels will be cleaned as necessary prior to leaving the construction sites in order to control tracking.	A stabilized construction entrance has been relocated to West 59 <sup>th</sup> Street and truck wheels are cleaned prior to leaving the construction site.
6. Truck routes and surfaces on which nonroad vehicles are operating within construction areas shall be watered as needed; or, in cases where such routes will remain in the same place for extended periods, the soil on such surfaces and roadways shall be stabilized with a biodegradable dust suppressant solution, covered with gravel, or temporarily paved to avoid the re-suspension of dust.	Developer is in compliance as truck routes and surfaces on which non-road vehicles are operating within construction areas are covered with gravel regularly to avoid the re-suppression of dust.
7. In addition to regular cleaning by the City, roads adjacent to construction areas shall also be cleaned by Declarant on a regular basis, using appropriate legal methods, to minimize fugitive dust emissions.	59th St, which is adjacent to the construction area and through which trucks currently exit the site, is swept periodically to minimize fugitive dust emissions.
8. Materials and waste during demolition shall be brought to grade by hoists, cranes or chutes. If chutes are used, the bottom end of drop chutes shall be inserted into covered trucks or bins in a sealed manner so as to ensure that dust is not released from the truck or bin.	Demolition occurred of a portion of a railway (Amtrak) tunnel that is already at grade, therefore hoists, cranes or chutes were not required.
9. A vehicular speed limit of 5 miles per hour (mph) shall be observed within construction areas.	All vehicles within the construction site observe a 5 mph speed limit.
(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of Section 3.01(b) of the Restrictive Declaration with respect to applicable work at the Subject Property.	All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.

**ATTACHMENT 2 (continued)**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
<b>(c) Construction Noise Reduction Measures.</b>	
<p>(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, the following measures for all construction activities (including demolition and excavation) related to the development of the Subject Property or Parcel:</p> <p>1. All construction activities shall comply with Chapter 2 of Title 24 of the New York City Administrative Code (the “City Noise Control Code”), and with the rules on Citywide Construction Noise Mitigation, as set forth in Chapter 28 of Title 15 of the Rules of the City of New York.</p> <p>2. Declarant shall develop and implement a plan for minimization of construction noise (the “Noise Reduction Plan”). The Noise Reduction Plan shall contain both path control and source control measures, including the following:</p>	<p>The IEM has reviewed the Noise Reduction Plans prepared by Langan Engineering and Scalandre and Sons. Both plans have been found to be compliant with the requirements of the Restrictive Declaration – Construction Noise Reduction Measures.</p>
<b>(A) Path Control Measures</b>	
<p>(aa) Noise barriers shall be erected around the perimeter of areas where construction activities are taking place for the purpose of minimizing construction noise consistent with reasonable construction procedures. Prior to Construction Commencement of any Building, a solid fence shall be erected around the perimeter of the areas where construction activities are taking place, which shall be at least 8 feet high, and 15 feet high adjacent to residential and other sensitive locations.</p>	<p>At the time of this report, a construction fence/noise barrier has been erected along the West End Ave and 61<sup>st</sup> street boundaries of Parcel 2. The fence is constructed of jersey barriers with ½ inch plywood to a total height of 15 feet. Foam insulation was added to the interior of the barrier as additional noise mitigation to meet the requirements of ¾ inch plywood. It should be noted that the existing 15’ construction fence/noise barrier was extended south along West End Ave to cover the demolition work being performed on the existing AmTrak tunnel.</p>
<p>(bb) Noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, shall be located away from and shielded from sensitive receptor locations to the extent practicable.</p>	<p>Cranes, concrete pumps and concrete trucks were kept away from sensitive receptors. Once on-site, delivery trucks are located away from sensitive receptors adjacent to the site.</p>
<p>(cc) Path noise control measures such as portable noise barriers, panels, enclosures, and acoustical tents shall be employed where practicable to shield noisy equipment such as concrete vibrators, tower cranes, hoists, impact wrenches, line drills, pile rigs, tempers, and trowel machines.</p>	<p>A construction fence/noise barrier has been erected along the West End Ave and 61<sup>st</sup> street boundaries of Parcel 2. The fence is constructed of jersey barriers with ½ inch plywood to a total height of 15 feet. Foam insulation was added to the interior of the barrier as additional noise mitigation to meet the requirements of ¾ inch plywood.</p>
<p>(dd) Acoustical curtains shall be utilized where practicable for internal construction activities within the buildings under construction, to break the line-of-sight and provide acoustical shielding between noise sources and sensitive receptors.</p>	<p>Acoustical curtains were not utilized on-site during this reporting period, as the current work area is located out of sight of sensitive receptors. In addition, noise levels were monitored continuously with stationary sound level meters. The levels have been found to adhere with the mandated levels.</p>

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
<b>(B) Source Control Measures</b>	
(aa) The noise emission levels of the construction equipment listed in table 20-13 of the FSEIS shall not exceed the levels set forth in the fifth column of that table when using the appropriate path control measure. For listed construction equipment for which no noise level has been provided in the fifth column of table 20-13, the noise emission levels shall not exceed those found in the third column of that table, as determined by manufacturer’s specifications adjusted to a reference distance of 50 feet. Contractors shall be required to properly maintain construction equipment, including equipment noise mufflers.	Noise levels have been monitored continuously, during this reporting period, with stationary sound level meters. The levels have been found to adhere with the mandated levels when noise interference is not a factor.
(bb) To the extent practicable, the noise of backup alarms on construction equipment shall be minimized.	There has been no incident of noise pollution from backup alarms during the day for this reporting period.
(cc) For construction activities involving the use of pile drivers, hoe-rams, jackhammers, or blasting, additional noise reduction measures chosen by Declarant from a list of options to be set forth in the Noise Reduction Plan shall be implemented where feasible.	A combination of the measures specified in Section 5.2.D. of the Noise Reduction Plan were implemented to reduce noise during the use of the jackhammer during this reporting period.
(ii) If construction work will occur at night or on weekends, Declarant shall prepare an additional noise reduction plan (the “Alternative Noise Reduction Plan”) in accordance with the City Noise Control Code prior to commencing such nighttime or weekend work.	A nighttime work permit has been issued for the Site by the NYCDEP. The IEM has reviewed the Alternate Noise Reduction Plan provided by Langan and Scalamandre. The monitoring stations have been run during the night work and the average noise levels have been found to be below the background level of 70 dbA established by Langan prior to commencement of construction activities. The IEM is provided with the nighttime work schedule at the beginning of each week.
(iii) Declarant shall maintain a website or implement another program to inform the affected public about the construction work schedule.	A notice board has been set up along the fence on West End Ave. Copies of all permits and notices are posted on this board.
(iv) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 3.01(c) with respect to applicable work at the Subject Property.	All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.
<b>(d) Construction Soil Erosion and Sediment Reduction Measures.</b>	
(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan for soil erosion and sediment control for all construction activities (including demolition and excavation) related to the development of the Subject Property or Parcel, in conformance with the requirements of the DEC Standards and Specifications for Erosion and Sediment Control (the “Soil Erosion and Sediment Control Plan”), which Soil Erosion and Sediment Control Plan shall contain the following measures:	

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
1. The wheels or treads of vehicles and equipment that could track soil from areas under construction shall be washed before leaving such areas. To reduce the use of potable water for this purpose, to the extent practicable, the wheel wash shall be supplied by collecting precipitation or using water collected during dewatering operations.	The wheels or treads of vehicles and equipment that could track soil from construction areas were washed before leaving such areas. Water from a nearby hydrant located on West End Ave was used.
2. Rinse water from the wheel wash (described in Section 3.01(d)) of the Restrictive Declaration shall be reabsorbed into the ground or pumped into tanks holding storm water or dewatering water. The wheel wash shall not be used for concrete trucks.	Rinse water from the wheel wash was reabsorbed into the ground.
3. Concrete trucks shall be rinsed into watertight dedicated bins. The captured washout water shall be left to evaporate, be treated, or be returned to the concrete manufacturer.	Concrete trucks were rinsed out in washout boxes, where the captured washout is evaporated.
4. Concrete from trucks, chutes, buckets and other equipment shall be removed and collected in dedicated waste bins prior to equipment rinsing. Concrete spillage on the Subject Property shall be collected in dedicated waste bins.	Minimal concrete spillage was collected.
5. Disturbed areas shall be stabilized for the duration of construction activity or until construction work resumes on the inactive disturbed areas. All disturbed areas of construction, including exposed ground and subgrade surfaces, storage piles of fill, dirt and other bulk materials, which are not being actively utilized for construction purposes for a period of seven (7) calendar days or more, shall be stabilized using: water as a dust suppressant; biodegradable dust stabilizer or suppressant; physical barriers or covers; or vegetative ground cover.	All exposed grounds not actively utilized for construction are stabilized utilizing water as a dust suppressant, while soil piles are covered in accordance with the contract specifications.
(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of Section 3.01(d) of the Restrictive Declaration with respect to applicable work at the Subject Property.	All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.
<b>(e) Construction Dewatering Plan.</b>	
(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan setting forth procedures for handling site runoff and groundwater encountered during construction activities (including excavation) related to the development of the Subject Property or Parcel (the "Dewatering Plan"), which Dewatering Plan shall:	The IEM has reviewed the dewatering plan for the Site and has found it to be in compliance with Section 3.09 of the Restrictive Declaration.
1. Provide a description of the methods used to collect, store and dispose of water collected during dewatering activities.	A pump dewateres the site into a sedimentation tank before being discharged into a catch basin.

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
2. Identify the necessary permits required from DEP and/or DEC to discharge dewatering water into the City's sewers or surface waters.	The total discharge amount per day does not exceed 10,000 gallons, therefore, a DEP permit is not required.
3. (1) Require that dewatering water be pumped into sedimentation tanks for removal of sediments prior to reuse on the Subject Property or discharge into the City's sewer system or surface waters, (2) require the water in such sedimentation tanks to be tested periodically for pH, turbidity and contaminants, and (3) if unacceptable levels of turbidity or contaminants are identified, as determined by applicable DEP or DEC regulations, require treatment prior to discharge off site.	Dewatering water is pumped into a sedimentation tank that discharges into the sewer system.
4. Suitable drainage means shall be provided for the removal of (1) surface runoff from the Subject Property, and (2) sludge which drains from construction activities on the Subject Property.	Suitable drainage for surface runoff as well as construction sludge has been provided at the time of this report.
(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of Section 3.01(e) of the Restrictive Declaration with respect to applicable work at the Subject Property.	All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.
<b>(f) Construction Pest Management Plan.</b>	
(i) Prior to Construction Commencement and subject to DCP review pursuant to Section 3.09 of the Restrictive Declaration, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, an integrated plan to control pests (including unwanted vermin, insects and weeds), in accordance with Buildings Department requirements, throughout the development of the Subject Property or Parcel (the "Construction Pest Management Plan"), which Construction Pest Management Plan shall contain the following requirements:	The Pest Management Plan has been reviewed by the IEM and found to meet the requirements of Section 3.09 of the Restrictive Declaration.
1. Vegetation fostering vermin shall be kept trimmed.	There are no areas of vegetation within the perimeter of the subject site.
2. Construction trailers, dumpsters, and sheds shall be elevated off of the ground to discourage vermin from burrowing or hiding in them.	All on-site construction trailers, dumpsters, and sheds are elevated off the ground.
3. Standing water shall be pumped out before the water becomes septic.	There was no standing water observed on-site during this reporting period.
4. Prior to the start of construction and as necessary during the construction period, the Declarant shall cause its contractor to bait appropriate areas of the site, using only USEPA and DEC-registered rodenticide.	At the time of this report, the site which was open and without any buildings, has been appropriately baited.

**ATTACHMENT 2 (continued)**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
<p>(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of Section 3.01(f) of the Restrictive Declaration with respect to applicable work at the Subject Property.</p>	<p>All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for the Restrictive Declaration.</p>
<p><b>(g) Hazardous Materials Remediation and Protection Measures.</b></p>	
<p>The FSEIS has identified potential hazardous materials at the Subject Property. Declarant has agreed to comply with a Remedial Action Plan (a “RAP”) and a Construction Health and Safety Plan (a “CHASP”) for the remediation of said hazardous materials during construction of the Development, which shall be prepared and submitted to Mayor’s Office of Environmental Remediation (“OER”) for its approval prior to Construction Commencement. The RAP and CHASP will provide that any necessary remediation for each Building in the Development may proceed independently of any other Building(s) and therefore it is expected that OER may issue a Notice of No Objection as set forth in Section 3.01(g)(iii)(1) of the Restrictive Declaration, a Notice to Proceed as set forth in Section 3.01(g)(iii)(2), a Notice of Satisfaction as set forth in Section 3.01(g)(iii)(3), and a Final Notice of Satisfaction as set forth in Section 3.01(g)(iii)(4), on a Building-by-Building basis, irrespective of the construction sequence of the Buildings in the Development.</p>	<p>The RAP and CHASP have been reviewed and found to be in compliance with the requirements of the restrictive declaration.</p>
<p><b>(h) Historical and Cultural Resource Protection Measures</b></p>	
<p><b><u>(i) Archaeological.</u></b></p>	
<p>(aa) The FSEIS identified potential subsurface prehistoric remains on Parcel N of the Subject Property that were discovered through archaeological documentary studies conducted in connection with the environmental review for the Original Special Permit. Declarant covenants and agrees that no application for grading, excavation, foundation, alteration, building or other permit with respect to Parcel N of the Subject Property which permits soil disturbance, including excavating of test pits for environmental soil sampling, shall be submitted to or accepted from the Buildings Department by the Declarant until LPC has issued to the Buildings Department, as applicable, a Notice to Proceed as set forth in subparagraph (i)(bb), a Notice of No Objection as set forth in subparagraph (i)(cc), a Notice of Satisfaction as set forth in subparagraph (i)(dd) or a Final Notice of Satisfaction as set forth in subparagraph (i)(ee). Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the Buildings Department at the time of filing of any application set forth in this Paragraph (i) (aa).</p>	<p>The geoarcheological investigation was initiated on November 21, 2012 and completed in May 2013.</p>

**ATTACHMENT 2 (continued)**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
(bb) Notice to Proceed with LPC-Approved Phase IB Field Testing and/or Mitigation – LPC shall issue a Notice to Proceed after it approves a Phase IB Field Testing Plan and Mitigation Plan. Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit solely to perform excavation or other work necessary to implement the Field Testing and Mitigation Plans. All such testing and any mitigation work shall be undertaken in consultation with the LPC. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Subject Property.	The geoarcheological investigation was initiated on November 21, 2012 and completed in May 2013.
(cc) Notice of No Objection After Field Work – LPC shall issue a Notice of No Objection if Declarant has performed required LPC-approved Phase IB field testing and, as a result of such testing, the LPC determines in writing that the Subject Property does not contain potentially significant archaeological resources. Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full building permit for the performance of excavation or construction on the Subject Property.	Notice of No Objection after field work was issued by LPC for the western portion of Parcel 2. An interim report was prepared by Geoarcheology Research Associates and submitted to LPC in April 2013.
(dd) Notice of Satisfaction – LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified archaeological resources have been documented and removed from the Subject Property. Issuance of a Notice of Satisfaction shall enable Declarant to obtain a building permit for excavation and construction of the Declarant’s proposed new building(s) on the Parcel N of Subject Property.	A Notice of Satisfaction was issued by LPC on June 3, 2013 for Manhattan Tax Block 1171, Parcel 2, Lot 164 based on the report entitled “ End of Fieldwork Memorandum and Proposal for Analysis and report Comprehensive Geoarchaeological Investigations Riverside Center, 17-29 West End Avenue Manhattan, New York” prepared by Geoarcheology Research Associate, dated May 29, 2013.
(ee) Final Notice of Satisfaction – LPC shall issue a Final Notice of Satisfaction after the mitigation has been completed and the LPC has set forth in writing that the Mitigation Plan, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on the Subject Property, has been completed to the satisfaction of LPC.	Not applicable during this reporting period.
(ff) No TCO or PCO for any Building on Parcel N shall be granted by the Buildings Department or accepted by Declarant until LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection.	Not applicable during this reporting period.
(gg) The Director of Archaeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and the Director or Archaeology of the LPC shall in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.	Not applicable during this reporting period.

**ATTACHMENT 2 (continued)**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
<p>(hh) Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of the Restrictive Declaration LPC's address is:                      Landmarks Preservation Commission                      1 Centre Street, 9N                      New York, NY 10007                      Any notices sent to Declarant shall be sent to the address hereinabove first set forth, to the attention of General Counsel and shall be sent by personal delivery, delivery by reputable overnight carrier or by regular mail.</p>	<p>Not applicable during this reporting period.</p>
<p><b>(i) Maintenance and Protection of Traffic Plan.</b></p>	
<p>(i) Prior to Construction Commencement of any Building, Declarant shall prepare a plan which provides diagrams of proposed temporary lane and sidewalk alterations, the duration such alterations will be implemented, the width and length of affected segments, and sidewalk protection measures for pedestrians, which shall be necessary during construction of such Building (the "Maintenance and Protection of Traffic Plan" or "MPT"). Declarant shall submit the MPT to DOT for review and approval, provided, however, that completion and submission of the MPT shall not be necessary for preliminary site work, unless DOT advises Declarant that a MPT is required.</p>	<p>The Maintenance and Protection of Traffic Plan has been reviewed by the IEM and found to be in compliance with the requirements of the restrictive declaration.</p>
<p>(ii) Declarant shall include provisions in the contracts of all relevant contractors and subcontractors requiring adherence to the provisions of the MPT plan.</p>	<p>All contracts with subcontractors for building construction were not finalized during this reporting period. The contracts for excavation, concrete, cabinets, hollow metal/hardware, millwork, painting, plumbing, curtain wall, masonry and hoists were previously reviewed and include provisions for adherence to the provisions of the MPT plan.</p>
<p><b>Section 3.02 Project Components Related to the Environment for Design and Operation of the Building.</b></p>	
<p>Declarant shall implement and incorporate as part of its construction of the Development as appropriate the following PCRE's related to the Design and Operation of the Development as outlined below.</p>	
<p><b>(b) Development Noise Attenuation:</b></p>	
<p>Declarant shall, prior to acceptance of a New Building Permit, submit plans for DCP review pursuant to Section 3.09 of this Declaration and to OER demonstrating compliance with the following noise attenuation requirements for all Buildings constructed on the Subject Property:</p>	
<p>(i) The facades of each Building shall be designed to provide a composite Outdoor-Indoor Transmission Class (OITC) rating greater than or equal to the attenuation requirements listed in Table 19-10 from the FSEIS.</p>	<p>Not applicable during this reporting period.</p>

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
<b>(c) Wind Conditions.</b>	
(i) If Declarant seeks to make any material changes to the locations and/or specified types of trees in the Wind Reduction Tree Plan, then prior to requesting any modification of the Wind Reduction Tree Plan pursuant to Section 6.02(b) of the Restrictive Declaration, Declarant shall cause a qualified consultant expert and experienced in the field of wind conditions analysis (“Wind Conditions Consultant”) to conduct a preliminary sensitivity analysis, using a method and protocol acceptable to DCP, to assess the effect of such changes on the pedestrian-level wind conditions (“Preliminary Sensitivity Analysis”), in order to determine whether the proposed modified Wind Reduction Tree Plan has the potential to result in a unacceptable pedestrian wind conditions (“Unacceptable Wind Conditions”).	Not applicable during this reporting period.
(ii) In the event Declarant demonstrates to the satisfaction of the Chair, based on the Preliminary Sensitivity Analysis, that the proposed modified Wind Reduction Tree Plan would not result in Unacceptable Wind Conditions, then no further wind testing shall be required and the proposed modified Wind Reduction Tree Plan may be included in connection with an application to amend this Declaration in accordance with Section 6.02(b) of the Restrictive Declaration, subject to review and approval by the Chair. No application to modify the Special Permits and Plans shall be required in connection therewith.	Not applicable during this reporting period.
(iii) In the event that the Preliminary Sensitivity Analysis indicates that the proposed modified Wind Reduction Tree Plan has the potential to result in Unacceptable Wind Conditions, then:	Not applicable during this reporting period.
(aa) Declarant shall have the Wind Conditions Consultant undertake wind tunnel testing to assess the effect of the proposed modified Wind Reduction Tree Plan on pedestrian-level wind conditions, in accordance with a methodology and protocol acceptable to DCP, in order to measure whether and to what extent any Unacceptable Wind Conditions may exist under such plan (the “Wind Conditions Report”). In the event that computer modeling software or other technology becomes available, which is demonstrated to the satisfaction of DCP to have sufficient accuracy, then such modeling or technology may be utilized in lieu of wind tunnel testing;	Not applicable during this reporting period.

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
<p>(bb) In the event the Wind Conditions Report indicates that implementation of the proposed modified Wind Reduction Tree Plan has the potential to result in Unacceptable Wind Conditions, Declarant shall, acting in consultation with DCP, incorporate revised practicable tree and shrub planting features into the proposed modified Wind Reduction Tree Plan which are: (1) determined through such wind tunnel testing (or alternative testing method approved by DCP) to be effective in reducing or eliminating such exceedances; and (2) compatible with the urban design considerations of the LMN Public Space and Access, including the goals of maintaining view corridors, maintaining pedestrian circulation and access, and not impeding or blocking circulation and access for emergency service vehicles (the “Wind-Reduction Design Modifications”).</p>	<p>Not applicable during this reporting period.</p>
<p>(iv) In the event that the Wind Conditions Report indicates that implementation of the proposed modified Wind Reduction Tree Plan has the potential to result in Unacceptable Wind Conditions but does not identify Wind-Reduction Design Modifications, then such report shall describe the reasons that: (1) no practicable Wind-Reduction Design Modifications are available that would be effective in materially reducing or eliminating the potential for the Unacceptable Wind Conditions; or (2) potential Wind-Reduction Design Modifications are not compatible with the urban design considerations of the LMN Public Space and Access. In that event, DCP shall, from the date of receipt, have thirty (30) days to review the Wind Conditions Report and provide Declarant with comments regarding conclusions (1) or (2) above, as applicable. Declarant shall thereafter cause the Wind Conditions Consultant to submit responses to such comments, including further consideration of whether practicable Wind-Reduction Design Modifications are available which would be effective in materially reducing or eliminating the potential for Unacceptable Wind Conditions and are compatible with the urban design considerations of the LMN Public Space and Access. DCP shall review any Wind-Reduction Design Modifications identified in such responses to determine whether they may be incorporated into a modified landscaping plan in connection with an application to amend this Declaration in accordance with Section 6.02(b) of the Restrictive Declaration, subject to review and approval by the Chair. No application to modify the Special Permits with respect to the Plans set forth therein shall be required in connection therewith.</p>	<p>Not applicable during this reporting period.</p>

**ATTACHMENT 2 (continued)**

ENVIRONMENTAL MEASURE	IMPLEMENTATION
<b>(d) Storm Water Management Measures.</b>	
<p>Declarant shall provide on the Subject Property 17,600 cubic feet of storage for the storm water detention. Such storm water detention shall be provided by constructing storm water detention tanks to collect storm water from the roofs of the Buildings and from the LMN Public Space and Access. For each Parcel in the Development, Declarant shall either provide detention, or provide access to previously constructed detention, for an amount of storm water equal in cubic feet to the result of multiplying 17,600 times a fraction, the numerator of which is the lot area of the Parcel and the denominator of which is equal to the lot area of the Subject Property. Hydrodynamic devices, which separate oils, grease, solids, particulates, and other pollutants from storm water shall be installed in each detention tank to treat storm water being discharged from the Development into the separate storm water system.</p>	<p>Not applicable during this reporting period.</p>
<p>(i) Prior to the issuance of a New Building Permit for any Building in the Development, Declarant shall request a certification from DEP either (A) approving the plans and specifications for the storm water detention tanks and the equipment to be installed therein, for the respective Parcel or, (B) if such tanks have been previously constructed, that the Building plans provide access to such detention tanks. Declarant shall file such certification with its application for such New Building Permit.</p>	<p>Not applicable during this reporting period.</p>
<p><b>Section 3.03 Project Components Related to the Environment Relating to Sustainability.</b> Declarant shall implement and incorporate as part of its design and operation of any Building, the following PCREs relating to sustainability:</p> <p><b>(a) Construction Materials.</b></p>	
<p>Declarant shall use reasonable efforts to use locally-purchased materials and recycled materials, including concrete made with slag or fly ash, to the extent practicable for construction on the Subject Property. For purposes of Section 3.03(a) of the Restrictive Declaration, “locally” shall mean within 500 miles of the Subject Property. As an alternative to slag or fly ash, ultra low-carbon cement or cement replacements (such as cement made from recycled materials or using a salt water and carbon dioxide process) may be considered. Following Construction Commencement, Declarant shall provide DCP with an annual report, due January 31st of each year during which Declarant is performing construction on any Building, listing the amounts of locally-purchased and recycled materials utilized in construction during the prior year and proposed measures to increase such amounts in future construction, if any.</p>	<p>No reports were available during this reporting period.</p>

**ATTACHMENT 2 (continued)**

<b>ENVIRONMENTAL MEASURE</b>	<b>IMPLEMENTATION</b>
<b>14. Water Conservation Measures</b>	
Developer to install EnergyStar dishwashers and clothes washers and water conserving toilets and faucets.	Not applicable during this reporting period.
<b>15. Innovation, Alternatives</b>	
In complying with Sections 3.01 through 3.04 of the Restrictive Declaration, Developer may, at its election, implement innovations, technologies or alternatives that are or become available, including replacing any equipment, technology, material, operating system or other measure previously located on the Project Site which Developer demonstrates to the satisfaction of DCP would result in equal or better methods of achieving the relevant PCRE or Mitigation Measure, than those set forth in the Declaration.	Developer will furnish a report detailing the innovations, technologies or alternatives that are or become available along with supporting technical documentation (e.g., drawings and/or specifications) and a certification from Developer that such innovation, technology or alternative would result in equal or better methods of achieving the relevant PCRE or Mitigation Measure. No reports regarding innovations or alternatives were available during this reporting period.