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DECISION DOCUMENT

NYC VCP and E-Designation Remedial Action Work Plan Approval

August 28, 2015

Re: **138-142 North 10th Street**
Brooklyn, Block 2304, Lot 12 (formerly Lots 12, 13 and 15)
Hazardous Materials & Noise “E” Designation
E-138: 5/11/2005 - Greenpoint - Williamsburg Rezoning - CEQR 04DCP003K
OER Project Number: 15EH-N348K / VCP Number: 15CVCP077K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated March 27, 2015 with Stipulation Letter dated May 26, 2015 and the Remedial Action Plan for Noise dated August 14, 2015 for the above-referenced project. These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on April 30, 2015. There were no public comments.

Project Description

The proposed future use of the Site will consist of developing the lot(s) with a new 6-story residential apartment building with a full cellar level. The cellar level will cover the north 80.5 ft of the lot, leaving a 19.5 ft of rear yard space. The building will have a full height basement level beneath the entire building footprint. Excavation for the cellar level will extend to a depth of approximately 12 feet below grade. The cellar level will consist of a mechanical area, as well as tenant's storage, elevator, stairwells, two recreation rooms, and two bathrooms. The first floor will consist of the residential lobby, two tenant one-car ventilated parking garages, and two residential apartments. Floors 2 through 6 will consist of residential apartments. The rear portion of the site will be excavated from 6 to 12 ft for a courtyard area (stone pavers on gravel) and a raised landscaped area (exposed soil). An estimated 2,447 cubic yards (3,547 tons) of soil will require excavation for the new building's cellar and rear yard.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “138-142 North 10th Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazmat

The remedial action selected for the 138-142 North 10th Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and performance of all required NYC VCP Citizen Participation activities according to an approved Citizen Participation Plan.
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.

3. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action.
4. Selection of NYSDEC 6NYCRR Part 375 Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).
5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
6. Excavation and removal of soil/fill exceeding Track 1 Restricted Residential Use. For development purposes, 4,480 sf of the Site will be excavated to depth of approximately 12 feet for the new building's cellar. The remaining portions will be excavated to a depth ranging from 6 to 12 ft and will feature stone pavers on gravel (in the area excavated to 12 ft bgs) and exposed soil (in the area excavated to 6 ft bgs). Approximately 3,547 tons of soil will be removed.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site.
8. Management of excavated materials including temporarily stockpiling and segregating to prevent commingling of contaminated material and non-contaminated materials.
9. Removal of underground storage tanks (if encountered) and closure of petroleum spills (if evidence of a spill/leak is encountered during Site excavation) in compliance with applicable local, State and Federal laws and regulations.
10. Transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site.
11. Collection and analysis of four (4) end-point samples from the bottom of the excavation will be collected to evaluate the performance of the remedy with respect to attainment of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs). Samples will be analyzed for contaminants of concern VOCs, SVOCs, Metals, PCBs, and Pesticides.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
15. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering Controls:

16. As part of development, installation of a vapor barrier system below the concrete slab of the building as well as behind foundation walls of the proposed building. The vapor barrier will consist of the VaporBlock 20 Plus system as manufactured by Ravens Industries or equivalent system.
17. As part of development, construction and maintenance of an engineered composite cover consisting of the 8 inch thick concrete cellar slab to prevent human exposure to residual soil/fill remaining under the Site.
18. Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.
19. If Track 1 Unrestricted Use SCOs are not achieved, the property will continue to be registered with an E-Designation by the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in this RAWP and a requirement that management of these controls must be in compliance with

an approved SMP. Institutional Controls will include prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 138-142 North 10th Street site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuations will be achieved at the locations described below:

1. At least 29 dBA for residential facades (required attenuation is 28 dBA);
2. The east facade will not be finished with windows or doors.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North Façade 1 st through 3 rd floors (W1, W4) South Façade 2 nd through 5 th floors (W9)	29	See ASTM E-90 Lab Test Report Element Project No. ESP-012132-Wausau-14 Date: 1/11/2013 Exact window and glazing provided in Appendix D	Wausau 6250 Superwall with 4250Z TL Awning	1” IG (1/4” annealed glass, 1/2” Argon, 1/4” annealed glass)
North Façade 6 th floor (W5)	36	See ASTM E-90 Lab Test Report Element Project No. ESP-012132-Wausau-10 Date: 1/11/2013 Exact window and glazing provided in Appendix D	Wausau 6250 Superwall	1” IG (1/4” annealed glass, 1/2” Argon, 1/4” annealed glass)
North Façade 1 st floor (W6) 5 th and 6 th floors (W2) 5 th floor (W3) South Façade 1 st floor (W8) 6 th floor (W10)	30	See ASTM E-90 Lab Test Report Element Project No. ESP-012355 Date: 1/23/2013 Exact window and glazing provided in Appendix D	Wausau 4250i Terrace Door	1” IG (1/4” tempered glass, 1/2” Argon, 1/4” tempered glass)

In order to satisfy the requirements of the E-Designation, Alternate Means of Ventilation (AMV) will be installed to maintain a closed window condition. AMV for this project will be achieved by installing Aeon natural gas split air conditioning system. Ten (10) Air Cooled Condensing Units (ACCUs), Mitsubishi model MXZ-8B48NA will be installed on the roof. Each ACCU will be connected to one or more air handlers located within each residential unit. The air handlers will consist of Mitsubishi Electric air handlers, models PEFY-P12NMAU, PEFY-P27NMAU, PEFY-P30NMAU, and PEFY-P36NMAU.

Outdoor fresh air will be brought to first floor apartment living spaces (i.e. living room and bedroom) via ductwork from a rooftop air handling unit and will be ducted to each heat pump unit serving the apartment. The living spaces (i.e. living room and bedroom) on the second through sixth floors will receive fresh air via ductwork from a rooftop air handling unit and will be ducted to each heat pump unit serving the apartment. The fresh air will be tempered in the air handling unit prior to being released to the heat pump units.

Compliance with Mechanical Code: Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

Common areas (i.e. gym, lobbies and corridors) will be provided fresh air in accordance with the 2014 NYC Mechanical Code (NYCMC). Fresh air will be routed into the first floor gym via ductwork from a rooftop air handling unit and will be ducted at 160cfm to the heat pump unit serving the gym. The main lobby will receive fresh air via ductwork from a rooftop air handling unit, supplied at 150 cfm through a supply diffuser. Bathrooms will be ventilated per table 403.3 of the NYCMC. Public corridors will receive fresh air via ductwork from a rooftop air handling unit and supplied at 75 cfm through a hall diffuser.

The remedies for Hazardous Materials and Noise described above conforms to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

August 28, 2015



Date

William Wong
Project Manager

August 28, 2015



Date

Shaminder Chawla
Deputy Director

August 28, 2015



Date

Zach Schreiber, Ph.D.
Assistant Director

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