



OFFICE OF ENVIRONMENTAL REMEDIATION

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January 21, 2011

Mr. Emanuel Kanaris
MJM Construction
242-01 Braddock Avenue
Bellrose, NY 11426

Mr. Mark Robbin
Hydro Tech Environmental, Corp
2171 Jericho Turnpike, Suite 345
Commack, New York 11725

Re: Remedial Action Work Plan Approval
1600 Pelham Parkway, Bronx, NY
Site number: 11CBCP001X
E-Designation No. 10EHAN013X

Dear Mr. Kanaris:

The New York City Office of Environmental Remediation (OER), in consultation with the New York City Department of Health and Mental Hygiene (DOH), has completed its review of the Remedial Action Work Plan (RAWP) for the 1600 Pelham Parkway Site, site number 11CBCP001X dated January 2011 and the Stipulation List dated January 20, 2011. The Plan was submitted to OER under the NYC Brownfield Cleanup Program. The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on January 19, 2011. There were no public comments.

We understand that the proposed remedial actions for 1600 Pelham Parkway Site contain the following remedial elements:

1. Preparation of a Community Protection Statement and performance of all required NYC BCP citizen participation activities according to an approved Citizen Participation Plan (CPP).
2. Establishment of site specific soil cleanup objectives (SCOs) for soils.

3. Removal of all Underground Storage Tanks and removal of any soils that exceed the site specific SCOs. Proper precautions will be taken to appropriately register and close the tank(s), to identify potential spills and notify DEC. A separate tank removal plan will be developed for management under DEC authority.
4. Installation of a vapor barrier at the base of the building slab and an active sub-slab depressurization system under the entire footprint of the building to prevent migration of soil vapor from off-site into the occupied building.
5. Construction and maintenance of an engineered composite cover consisting of asphalt and sub-course or concrete and sub-course to prevent human exposure to residual contaminated soil/fill remaining under the Site;
6. Installation of a demarcation layer on top of the residual soil horizon in areas without a building excavation.
7. Performance of Community Air Monitoring Program for particulates and volatile organic carbon compounds.
8. Collection and analysis of end-point samples to evaluate the performance of the remedy with respect to attainment of SCOs.
9. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
10. Screening for indications of contamination (by visual means, odor, and monitoring with a photo ionization detector (PID)) of excavated soil/fill during all invasive work.
11. Implementation of storm-water pollution prevention measures in accordance with applicable laws and regulations.
12. Performance of all activities associated with the remedial action, including permitting requirements and pretreatment requirements, in accordance with all applicable Federal, State and City laws and regulations.
13. Transportation and off-Site disposal of all soil/fill material removed from the Site at permitted facilities in accordance with all Federal, State and City laws and regulations for handling, transport, and disposal.
14. Sampling and analysis of excavated media as required by disposal facilities.

15. Appropriate segregation of excavated media for off-site disposal.
16. Import of materials to be used for backfill and cover in compliance with OER approved plan and in accordance with all Federal, State and City laws and regulations.
17. Recording of a Declaration of Covenants and Restrictions that includes a full listing of Engineering Controls and Institutional Controls and notice that these controls must be maintained within a Site Management Plan to prevent future exposure to any residual contamination remaining at the Site.
18. Establishment in a recorded Declaration of Covenants and Restrictions, a series of Institutional Controls on the Site, including: (1) compliance with the provisions of the recorded Declaration of Covenants and Restrictions; (2) compliance with provisions of the approved Site Management Plan; (3) operation and maintenance of Engineering Controls as specified in the Site Management Plan; (4) inspection and certification of all Engineering Controls at a frequency and in a manner defined in the Site Management Plan; (5) performance of environmental and public health monitoring as defined in the Site Management Plan; (6) reporting at a frequency and in a manner defined in the Site Management Plan; (7) protection of on-Site monitoring devices in a manner specified in the SMP; and (8) prohibition of discontinuation of Engineering Controls without an OER-approved amendment or extinguishment of the Declaration of Covenants and Restrictions.
19. Establishment in a recorded Declaration of Covenants and Restrictions, a series of site restriction Institutional Controls on the Site, including: (1) prohibition of vegetable gardening and farming; (2) prohibition of the use of groundwater without treatment rendering it safe for the intended use; (3) prohibition on all disturbance of residual contaminated material unless it is conducted in accordance with the provisions in the Site Management Plan; and (4) prohibition on higher level of land usage without an OER-approved amendment or extinguishment of this Declaration of Covenants and Restrictions.
20. Submission of a RAR which describes the remedial activities including any changes from this RAWP, certifies that the remedial requirements have or will be achieved, defines the Site boundaries, and describes any Engineering and Institutional Controls to be implemented at the Site.

21. Submission of an approved Site Management Plan in the Remedial Action Report for long-term management of residual contamination, including plans for Institutional and Engineering Controls for: (1) inspection and certification, (2) monitoring, (3) operation and maintenance, and (4) reporting.

The Remedial Action Work Plan and Stipulation List for the 1600 Pelham Parkway Site are deemed to be appropriate and protective of public health and the environment and are hereby approved. The approved RAWP and Stipulation List, including appendices should be placed by the Enrollee in publicly accessible repositories for the project.

As indicated in the Stipulation List, prior to the start of remediation, you must submit design specifications for the vapor barrier and the sub-slab depressurization system.

The Enrollee and its contractors are solely responsible for safe execution of all invasive and other work performed under the Plan. In particular, the Enrollee and its contractors are responsible for the structural integrity of excavations, and protection of the structural integrity of buildings, utilities, and other structures both onsite and offsite that may be adversely affected by those excavations and activities. The Enrollee and its contractors must obtain any local, state or federal permits or approvals that may be required to perform work under the Plan and are responsible for the identification of utilities that might be affected by work under the Plan and implementation of all required, appropriate, or necessary health and safety measures during performance of work under the approved Plan.

Upon review and approval of Air Quality and Noise requirements, a Notice to Proceed will be issued. If you have any questions, please call Ms. Breanna Gribble at (212)442-7126.

Sincerely,



Shaminder Chawla
Assistant Director, OER

CC: N. Grabber, M.D., DOH
D. Pisani, DOH
D. Walsh, Ph. D., Director, OER
B. Gribble, OER