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DECISION DOCUMENT

May 14, 2014

Mr. Nicholas Werner
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219-223 North 8th Street,
Brooklyn NY 11211

Ms. Erica Johnston
Hydro Tech Environmental Corp
77 Arkay Drive, Suite G
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**Re: NYC VCP Remedial Action Work Plan Approval
219-223 North 8th Street (230 North 9th Street)
Block 2313, Lots 11 and 13
VCP Project #14CVCP165K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 13, 2013 and Stipulation List dated October 16, 2013 for 219-223 North 8th Street, VCP Project #14CVCP165K. The Plan was submitted to OER under the NYC Voluntary Cleanup Program (VCP). The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on October 9, 2013. There were no public comments.

Statement of Purpose and Basis

This document presents the remedy for a Voluntary Cleanup Program site known as “219-223 North 8th Street (230 North 9th Street)” site. This document is a summary of the information that can be found in the site-related reports and documents in the document repository at OER’s website www.nyc.gov/oer.

The New York City Office of Environmental Remediation (the Office or OER) has established a remedy for the above referenced site. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media.

The decision is based on the Administrative Record of the New York City Office of Environmental Remediation (the Office or OER) for the “219-223 North 8th Street (230 North 9th Street)” site and the public’s input to the proposed remedy presented by OER.

Description of Selected Remedy

The remedy selected for this “219-223 North 8th Street (230 North 9th Street)” site includes Establish Track 4 Soil Cleanup Objectives (SCOs), excavation and removal of soil/fill exceeding SCOs, construction and maintenance of an engineered composite cover consisting of a 8-inch concrete slab to prevent human exposure to residual soil/fill remaining under the Site, and installation of a vapor barrier/waterproofing system below the concrete slab underneath the building, as well as behind foundation walls of the proposed building.

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. Establishment of Site Specific Track 4 Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Excavation and removal of soil/fill exceeding Track 4 Restricted Residential SCOs. Entire property will be excavated to a depth of approximately 4 feet below grade for development purposes. The total quantity of soil/fill to be excavated and disposed off-Site is approximately 1,300 cubic yards.
6. 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.
7. 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.
8. 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 onsite.
9. Collection and analysis of eight (8) end-point samples from the bottom of the excavation will be collected to evaluate the performance of the remedy with respect to attainment of Track 4 SCOs. Samples will be analyzed for contaminants of concern (VOCs, SVOCs, and Metals).
10. If endpoint samples indicate naphthalene at groundwater interphase, groundwater remediation will be coordinated with NYSDEC under DEC authority.
11. Demarcation of residual soil/fill.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations. Construction and maintenance of an engineered composite cover consisting of an 8 inch building slab to prevent human exposure to residual soil/fill remaining under the Site;

13. Installation of a vapor barrier system beneath the building slab and outside foundation sidewalls below grade. Grace Preprufe® 300R membrane beneath the building slab and Grace Preprufe® 160R membrane behind the foundation walls will be used in this project.
14. As part of development, construction and maintenance of an engineered composite cover consisting of 8" thick concrete building slab across the footprint of the new building.
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
16. Dewatering will be performed in full compliance with applicable laws, rules and regulations. Dewatering permit will be obtained from NYCDEP prior to construction activities.
17. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
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. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
20. The property will continue to be registered with an E-Designation at 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 included in SMP 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.

Remedial activities will be performed at the Site in accordance with this OER-approved RAWP. All deviations from the RAWP will be promptly reported to OER. Changes will be documented in the RAR.

This remedy 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. The remedy is protective of public health and the environment.

May 14, 2014



Date

Shaminder Chawla
Deputy Director

Site Location and Current Usage

The Site is located at 219-223 North 8th Street (230 North 9th Street) in the Williamsburg section in Brooklyn, New York and is identified as Block 2313 and Lots 11 and 13 on the New York City Tax Map. Figure 1 shows the Site location.

The Site is approximately 20,000-square feet and is bounded by North 9th Street to the north, North 8th Street to the south, a 5-story mixed-use residential-commercial building and 4-story residential building to the east, and a 1-story warehouse and 3-story residential building to the west. Currently, the Site is used for parking and commercial business. Lot 11 consists of a parking area with an asphalt ground surface. Lot 13 consists of a 1-story commercial building currently occupied by an athletic center and offices.

The current zoning designation is M1-2/R6A. The proposed use is consistent with existing zoning for the property.

Past Uses and Areas of Concern

The property at 219 North 8th Street aka Lot 11 was developed prior to 1916 with a wagon house and meat and poultry supply business. Lot 11 is an auto junkyard during 1993. Mr. Noah Berley, 223 North 8 Partners, LLC, is the current owner of the Site and purchased Lot 11 during 1983. At this time Lot 11 was utilized as an automobile junkyard.

The property at 223 North 8th Street aka Lot 13 was developed with a two residential dwellings prior to 1916. The southwest portion of Lot 13 was utilized for residential purposes through 1951. The current building at Lot 13 was constructed between 1941 and 1952, during which time it was utilized as a factory and for machine storage as well as a shellac warehouse. Mr. Noah Berley, current owner, purchased Lot 13 during 1967. Mr. Berley has indicated that Lot 13 was utilized for machine storage and welding fabrication from 1967 to 1990. After 1990, Lot 13 has been used as a gymnasium, artists' retail supply and offices.

Summary of Environmental Findings

1. Elevation of the property is 15 feet.
2. Depth to groundwater ranges from 4.90 to 8.60 feet at the Site.
3. Groundwater flow is generally from east to west beneath the Site.
4. Bedrock was not encountered during this investigation.
5. The stratigraphy of the site, from the surface down, consists of two (2) feet of asphalt, concrete, sand, brick and pebbles (urban fill) underlain by two (2) to six (6) feet of brown medium grained sand and silt. The sand and silt is underlain by water saturated brown silty sand.

Proposed Development Plan

The proposed future use of the Site will consist of (2) 7-story residential buildings segments connected by a partially excavated 1-story parking garage and lobby at the first floor level. The total height of the buildings will be 70 feet above grade and total area will be 72,000 square feet. The top of the 12" slab for the first floor lobby and parking garage will be 3 feet below grade surface. The top of the slab for the

elevator pits will be at 7 feet below grade. The first floor will also contain amenity, support and mechanical spaces. The building along North 8th Street will contain a total of 34 residential apartment units on Floors 2 through 7 and the building along North 9th Street will contain 58 residential units on Floors 2 through 7. A landscaped outdoor terrace area will be developed on the second floor above the parking garage in the space between the two buildings. The proposed development will cover the entire footprint of the Site. Total excavation for the lobby and parking garage will be to 4 feet below grade and 8 feet below grade for the elevator pits. Excavation is anticipated below the water table only for the elevator pits. Prior to redevelopment, the 1 story existing building at Site will be demolished.

Summary of Remedial Investigation

The Remedial Investigation was conducted in October 2005, March 2013, and May 2013. A full Remedial Investigation Report is available online in the document repository and the results are summarized below.

Soil:

The soil samples collected during the RI showed that VOCs hotspot area is present in the deep soils below the northern portion of the Site at concentrations above the Track 1 Unrestricted Use SCOs, but below Track 2 Residential SCOs. These VOCs included 1,2,4-Trimethylbenzene (maximum of 13 ppm), Acetone (maximum of 3.5 ppm), Naphthalene (maximum 250 ppm), Toluene (maximum of 0.85 ppm), Ethyl Benzene (3.8 ppm) and Methylene Chloride (maximum 3.2 ppm). Highest VOCs were detected in SP-2 (10⁷-12⁷) at a total concentration of 313 ppm. PCE and TCE were not detected in any of the soil samples. SVOCs were detected throughout the shallow and deep soils at concentrations exceeding the Track 2 Restricted Residential SCOs. These SVOCs include Dibenzofuran (maximum of 25.3 ppm), Naphthalene (maximum of 164 ppm), Phenanthrene (maximum of 486 ppm), Benzo(a)Anthracene (maximum of 50.3 ppm), Benzo(a)Pyrene (maximum of 45.2 ppm), Benzo(b)Fluoranthene (maximum of 41.5 ppm), Benzo(k)Fluoranthene (maximum of 34.1 ppm), Chrysene (maximum of 52.8 ppm), Dibenz(a,h)Anthracene (maximum of 9.98 ppm) and Indeno(1,2,3-cd)Pyrene (maximum of 18.6 ppm). One pesticide, 4,4'-DDT (3.4 ppb), was detected in the shallow sample at a concentration slightly exceeding the Track 1 Unrestricted Use SCO (3.3 ppb). No PCBs were detected in any of the soil samples collected during the RI. Seven (7) metals including arsenic (maximum of 38.8 ppm), barium (maximum of 1,650 ppm), cadmium (maximum of 8.54 ppm), copper (maximum of 722 ppm), lead (maximum of 1,960 ppm), nickel (maximum of 225 ppm) and chromium trivalent (maximum of 45.8 ppm) were identified in the shallow and deep soil samples at concentrations exceeding the Track 2 Restricted Residential SCOs. Most of these exceedances were detected in a single hotspot area at sampling location SP3 (10⁷-12⁷). Overall, the findings indicate the presence of petroleum related VOCs in the deep soil beneath the northern portion of the site. Due to the presence of petroleum impact indicative of a release, Spill #1216805 was reported to the NYSDEC Spill Hotline on March 28, 2013.

Groundwater:

Groundwater samples collected during the RI showed no PCBs, pesticides or chlorinated VOCs at concentrations exceeding the NYSDEC 6NYCRR Part 703.5 Groundwater Quality Standards (GQS). Two VOCs, Naphthalene (maximum of 110 ppb) and Acetone (maximum of 59 ppb) were detected in the groundwater samples collected from the northern portion of the Site at concentrations exceeding the GQS. Other VOCs including 1,2,4-Trimethylbenzene, Isopropylbenzene, o-Xylene and p- & m- Xylenes were detected in this groundwater sample at concentrations below the GQS. Total VOCs range from non-detect to 117 ppb. PCE and TCE were not detected in any of the groundwater samples. Two SVOCs including bis(2-ethylhexyl)phthalate (maximum of 151 ppb) and naphthalene (maximum 39.3 ppb) were detected at concentrations exceeding the GQS. Manganese (maximum of 555 ppb) exceeded the GQS. Overall, the findings indicate the presence of a petroleum plume in the groundwater beneath the northern portion of the site. The greatest VOC concentrations are found in the groundwater from off-site MW-6 located in the sidewalk adjacent to the Site along North 9th Street.

Soil vapor:

Soil vapor samples collected during the RI showed the presence of petroleum related VOCs in the soil vapors beneath the Site. The concentrations of the detected VOCs are generally below 100 ug/m³, with the exception of Acetone (maximum of 630 ug/m³), Chloroform (290 ug/m³), p- & m- Xylenes (maximum of 230 ug/m³) and Toluene (maximum of 100 ug/m³). PCE and TCE were not detected in any of the soil vapor samples.

Figure 1 – Site Map

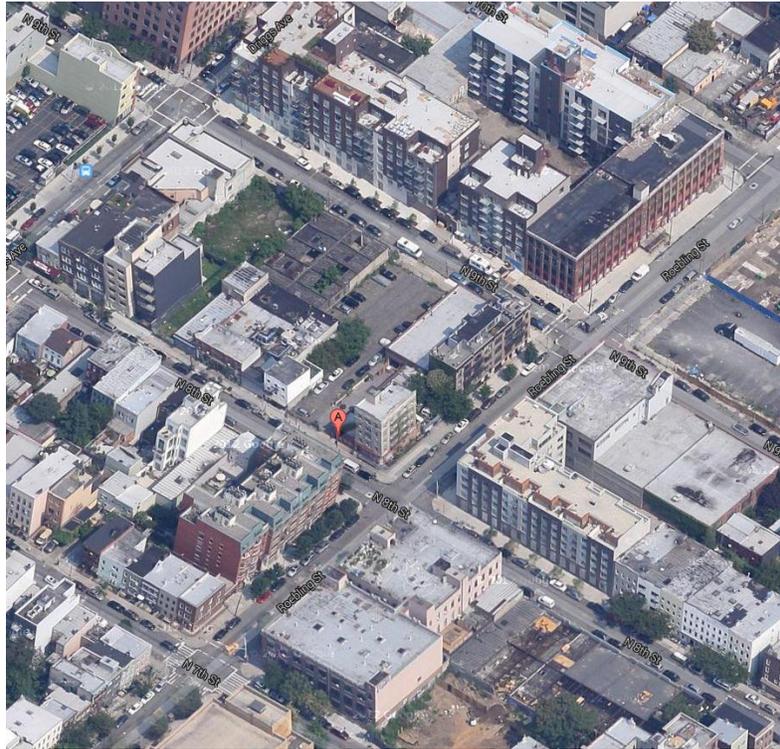


Figure 2 – Site Location Map

