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# DECISION DOCUMENT
## NYC VCP and E-Designation Remedial Action Work Plan Approval

July 16, 2015

Re: **196 Middleton Street**
**Brooklyn Block 2242, Lot 22**
**Hazardous Materials & Air Quality "E" Designation**
**E-238: December 22, 2009 Broadway Triangle Rezoning - CEQR# 09 HPD 019K**
**OER Project Number 15EH-A150K / VCP Number 15CVCP085K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated March 2015 with Stipulation Letter dated July 2015 and the Remedial Action Plan for Air Quality dated May 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 12, 2015. There were no public comments.

**Project Description**
The Site is located at 196 Middleton Street in the East Williamsburg section of Brooklyn, New York. The Site is 2,500-square feet and is currently developed with a vacant, one-story industrial building and a small rear yard. The building was most recently used for automotive repair.

The proposed future use of the Site will consist of a new 5-story apartment building with a cellar the full size of the building footprint. The cellar will contain accessory space for the apartments above as well as the sprinkler room, gas meter room, refuse storage room, two restrooms, an elevator and stairwells. The first floor will consist of two apartments, and the residential entrance. The second, third, fourth, and fifth floors will consist of apartments. The cellar level will require excavation to a depth of approximately 8 feet below grade across 60% of the site (the building footprint). The rear yard area will be excavated to two feet depths and backfilled with clean soils.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "196 Middleton 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 196 Middleton 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. Establishment of Site-Specific (Track 4) Soil Cleanup Objectives (SCOs).

4. 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.
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 4 Site Specific SCOs. For development purposes, 1,416 square feet of the Site will be excavated to a depth of approximately 8 feet below grade for the building cellar, with the remaining portion of the Site being excavated to a depth of 2 feet below grade for the unpaved rear yard. If soil/fill containing analytes at concentrations above Track 4 Site-Specific SCOs are still present at the base of the excavation after removal of all soil required for construction of the buildings is complete, additional excavation will be performed to meet Track 4 Site-Specific SCOs. In addition, a hotspot area (Boring SB-3) identified during the subsurface investigation will be delineated and excavated to approximately 4-5 ft to achieve Track 4 SCOs. Approximately 750 tons of soil will be excavated and removed from this Site.
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 co-mingling 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 onsite.
11. Collection and analysis of four end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
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. Installation of a waterproofing membrane/vapor barrier below the concrete slab underneath the building, as well as behind the foundation walls of the proposed building. The barrier will consist of the 300R and 160R Preprufe waterproofing membrane manufactured by Grace.
14. Construction and maintenance of an engineered composite cover consisting of 4" thick concrete slab across the footprint of the new building and a 2’ of clean soil across the rear portion of the site to prevent human exposure to residual soil/fill remaining under the Site.
15. Placement of demarcation layer in the rear yard areas.
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
17. Dewatering in compliance with city, state, and federal laws and regulations. Dewatering permit will be obtained from NYCDEP prior to construction activities.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
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, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.
20. 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.
21. 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 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 Air Quality**

The elements of the remedial action selected for Air Quality for the 196 Middleton Street site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for hot water heaters, and electricity will be used for the split HVAC units.

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

July 16, 2015
Date

Sarah Pong
Project Manager

July 16, 2015
Date

Shaminder Chawla
Deputy Director – VCP

July 16, 2015
Date

Zach Schreiber, Ph.D.
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