OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director
Tel: (212) 788-8841

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

March 30, 2016

Re: 295-297 Wallabout Street: 299 & 301 Wallabout Street
Brooklyn Block 2250, Lots 43 and 44 (formerly p/o Lot 41)
Hazardous Materials and Air Quality "E" Designation
E-238: 12/22/2009 Broadway Triangle Rezoning - CEQR 09 HPD 019K
OER Project Number 15EH-A275K / VCP 16CVCP008K

The New York City Office of Environmental Remediation (OER) has completed its review of Remedial Action Work Plan (RAWP) dated August 2015 with Stipulation Letter dated February 5, 2016 and the Remedial Action Plan for Air Quality dated February 2016 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 September 15, 2015. There were no public comments.

Project Description
The Site is located at 295-297 Wallabout Street in the Broadway Triangle section of Brooklyn, New York, and is currently identified as Block 2250, Lots 43 and 44 (previously part of Lot 41) on the New York City Tax Map. Lot 41 is a rectangular shaped lot consisting of 125 feet of street frontage on Wallabout Street and a depth of approximately 100 feet for a total of approximately 12,500 ft^2. The Site is defined as the eastern half of Lot 41, now Lots 43 and 44, consisting of 60 feet of street frontage on Wallabout Street and a depth of approximately 100 feet for a total of approximately 6,000 ft^2. The Site is located on the north side of Wallabout Street between Throop Avenue and Harrison Avenue and is bordered by Wallabout Street to the south, 1-story manufacturing buildings to the west, east, and north, and two 4-story multi-family walk ups (386 and 388 Wallabout Street) to the south just beyond Wallabout Street. The entire footprint of Lot 41 is currently developed with a 1-story commercial building used by a cheese company and organic foods warehouse.

The development project consists of redeveloping 60 feet of the eastern part of Lot 41 with two new identical residential apartment buildings covering the entire site area. The site will be equipped with a full cellar and a rear yard. The building footprint will occupy 65% of the lot and the rear yard will occupy the remaining 35%. The entire site will be excavated to a depth of 10-12 feet. The elevator pit will be excavated to a depth of 15-17 feet. The cellar for each building will be utilized for bike storage, utilities and accessory space for all units. The 1st floor will be utilized for parking. The 2nd through penthouse floors will be utilized as residential space. A total of 7,000 to 8,400 tons of soil will require excavation for the new buildings slab and footings. The water table is expected at approximately 8-10 feet below grade surface (bgs), and will be encountered during excavation.

The current zoning designation is R7A. The proposed use is consistent with existing zoning for the property.

Statement of Purpose and Basis
This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "295-297 Wallabout 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 Hazardous Materials

The remedial action selected for the 295-297 Wallabout 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 Track 4 Site-Specific 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, the entire footprint of the Site will be excavated to a depth of approximately 10-12 feet below grade for construction of the building's slab and the elevator pit will be excavated to a depth of 15-17 feet. An estimated 7,000 to 8,400 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 in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials;
9. Removal of underground storage tanks that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations;
10. Transportation and off-Site disposal of all soil/fill material at licensed or 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 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. Construction of an engineered composite cover consisting of the 6-inch thick concrete building slab;
14. Installation of a vapor barrier system below the concrete building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier will consist of Preprufe 300R system as manufactured by Grace, Preprufe 300 is a 1.2 mm (0.046in) thick HDPE film with a pressure sensitive adhesive that bonds to the poured concrete. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
15. Installation and operation of an active sub-slab depressurization system (SSDS); if water is not encountered at final excavation depth. The SSDS will consist of two separate loops installed within porous granular material beneath the building foundation. The active SSDS is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the active SSDS was designed and properly installed to establish a vacuum in the gas permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building;
16. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system;
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
18. Performance of all activities required for the remedial action, including acquisition of required permits

and attainment of pretreatment requirements, 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, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site;
20. Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency; and
21. The property will continue to be flagged 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 Air Quality

The elements of the remedial action selected for Air Quality for the 295-297 Wallabout Street site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating and hot water. The site will utilize a combination boiler which will provide heat and hot water.

In order to satisfy the requirements of the E-Designation, two stacks will be located on the roof. Stacks will be located 51.6 feet from the north line of lot, 28.7 feet from the east line of the lot, and 65 feet from the west line of the lot. The north lot line is closest to Walton Street, the east lot line is closest to Throop Avenue, the south lot line is closest to Wallabout Street, and the west lot line is closest to Harrison Avenue.

Since the stack location requirement could not be met for the east lot line, flue calculations were performed to demonstrate that the proposed stack location is located greater than the minimum distance from windows and air intakes that would be required for fuel burning flues per NYC Department of Buildings' Gas Code 503.5.4. Each building has eight, 2" vents for a total of 16 vents for the two adjacent buildings. Therefore, the required distance between the two stacks and any windows or air intakes is 14.18 feet.

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.

March 30, 2016
Date

Sarah Pong
Project Manager

March 30, 2016
Date

Shaminder Chawla
Deputy Director

March 30, 2016
Date

Maurizio Bertini, Ph.D.
Assistant Director

cc: Asher Neuman, Cipco Developers of New York – asher@cipcodevelopers.com
Bahram Tehrani, P.E. – bte116@aol.com
Chawinie Reilly, Environmental Business Consultants – creilly@ebcincny.com
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
Sarah Pong, PMA-OER