



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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January 21, 2011

Mr. Guillaume Lesevre  
Church of Scientology, International  
1170 Ivar Avenue  
Los Angeles, CA 90028

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

**Re: Remedial Action Work Plan Approval**  
**220, 222, 228, 230, 232 East 125<sup>th</sup> Street, Manhattan, NY**  
**Site numbers: 11BCBP004M and 11BCBP005M**  
**E-Designation No. E-201**

Dear Mr. Lesevre:

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 Church of Scientology Site, Site numbers 11BCBP004M and 11BCBP005M 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 3, 2011. There were no public comments.

We understand that the proposed remedial action for Site A (Block 1789 Lot 39) and Site B (Block 1789 Lots 34, 35 & 36) of Church of Scientology Sites contain the following remedial elements:

Remedial elements to be implemented at Site A will include:

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 Track 1 Soil Cleanup Objectives (SCOs). The site already achieves Track 1 SCOs, and removal action is not required.
3. Removal of an AST in the building basement and register as required by New York State laws and regulations.
4. Placement of a vapor barrier on the existing slab, placement of a new 2-inch layer of cement on the barrier, and operation of a positive pressure HVAC in the basement level to provide protection from soil vapor intrusion from off-site.
5. Screening during any basement excavations for indications of contamination by visual means, odor, and monitoring with a photo ionization detector (PID).
6. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
7. Performance of Community Air Monitoring Program for particulates and volatile organic carbon compounds.
8. 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.

Remedial elements to be implemented at Site B will include:

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 Track 1 Soil Cleanup Objectives (SCOs).
3. Excavation and removal of soil/fill to a depth of 12-14 feet below street grade including 12-14 feet at Lot 36 and approximately 2 feet beneath existing basements at Lots 35 and 34. Application of Track 1 SCOs for soils that will not be excavated.
4. Construction of an engineered composite cover consisting of a 2-foot mat-slab.
5. Construction of a vapor barrier beneath the building slab and operation of a positive pressure HVAC in the building basement to address potential soil vapor intrusion from offsite.

6. Performance of Community Air Monitoring Program for particulates and volatile organic carbon compounds.
7. Collection and analysis of end-point samples to evaluate the performance of the remedy with respect to attainment of Track 1 SCOs.
8. Screening for indications of contamination by visual means, odor, and monitoring with a photo ionization detector (PID) of excavated soil/fill during all intrusive work.
9. Transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with all Federal, State and City laws and regulations for handling, transport, and disposal.
10. Sampling and analysis of excavated media as required by disposal facilities.
11. Appropriate segregation of excavated media for off-site disposal.
12. Site mobilization involving Site security setup, equipment mobilization, utility mark outs, and marking & staking excavation areas.
13. Implementation of storm-water pollution prevention measures.
14. Performance of all activities associated with the remedial action, including permitting requirements and pretreatment requirements, will be addressed in accordance with all applicable Federal, State and City laws and regulations.
15. 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.
16. Placement of backfill material in excavated areas as needed.
17. If Track 1 cannot be achieved, 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. If Track 1 cannot be achieved, 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. If Track 1 cannot be achieved, 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. If Track 1 cannot be achieved, 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 Church of Scientology Sites 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 HVAC.

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 Mr. Michael Mandac at (212) 676-0754.

Sincerely,



Shaminder Chawla  
Assistant Director, OER

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

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