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

March 26, 2015

Re: 239 10th Avenue
Manhattan Block 696 Lot 32
Hazardous Materials and Noise "E" Designation
E-142: June 23, 2015 Highline / West Chelsea Rezoning - CEQR 03DCP069M
OER Project Number 14EH-N323M / VCP Project Number 14CVCP243M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated June 2014 with Stipulation Letter dated August 2014 and the Remedial Action Plan for Noise dated March 2015 for the above-referenced project. These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program. A Notice of No Objection for Support of Excavation was issued by OER on September 10, 2014.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on July 13, 2014. There were no public comments during this time; however, subsequent comments were received by OER during the remediation stage. To date, these comments have been addressed by the applicant and environmental consultant to the satisfaction of OER.

Project Description
The Site is 5,535 square feet and was formerly occupied by a decommissioned Getty service station. The proposed future use of the property is an 11-story residential building with a cellar and sub-cellar. Portions of the first floor and cellar level will be commercial use.

Statement of Purpose and Basis
This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "239 10th Avenue" 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 239 10th Avenue 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. Implementation of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 1 Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Installation of soil mix cut-off wall around Site perimeter to restrict groundwater infringement.

6. Excavation and removal of soil/fill exceeding SCOs. The entire footprint of the property will be excavated to a depth of 14 feet below grade for a cellar. A sub-cellar area (with a 10 foot setback on two sides) will extend to a depth of 30 feet below grade. A small area will be excavated to a depth of 38 feet below grade for new development. Approximately 5,200 cubic yards 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. 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.
9. 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 on-Site.
10. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs.
11. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
12. As part of new development, installation of a vapor barrier system beneath the building slab and outside foundation sidewalls below grade.
13. As part of new development, construction and maintenance of an engineered composite cover consisting of building slab (2 ft) to prevent human exposure to residual soil/fill remaining under the Site;
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations. Since groundwater is approximately at a depth of 10 feet below ground surface, dewatering permits will be obtained from NYCDEP.
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
16. Submission of a 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 if Track 1 SCOs are not achieved, describes all Engineering and Institutional Controls to be implemented at the Site.
17. If Track 1 SCOs are not achieved, 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.
18. If Track 1 SCOs are not achieved, 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 Noise

The elements of the remedial action selected for Noise for the 239 10th Avenue site are as follows:

In order to satisfy the requirements of E-142 a minimum window/wall attenuation of 33 dB(A) will be achieved on the east and south facades, a minimum window/wall attenuation of 31 dB(A) will be achieved on the west façade, and a minimum window/wall attenuation of 28 dB(A) will be achieved on the interior courtyard facades. The residential and commercial windows on the east and south facades will utilize a window wall with a Viracon 1" insulated glazing unit (1/4" clear – 1/2" air space – 3/16" clear, 0.030" pvb, and 3/16" clear), which achieves a glass only OITC rating of 35, or an OER-approved equivalent which achieves the 33 dB(A) attenuation requirement. The residential windows on the west facade will utilize a window wall with a Viracon insulated glazing unit (1/4" clear annealed – 1/2" air space – 5/16" clear annealed), which achieves a glass only OITC rating of 33, or an OER-approved equivalent which achieves the 31 dB(A) attenuation requirement. The residential windows of the interior courtyard facades (facing north and west) will utilize a window wall with a

Viracon 1" insulated glazing unit (1/4" clear – 1/2" air space – 1/4" clear), which achieves a glass only OITC rating of 30, or an OER-approved equivalent which achieves the 28 dB(A) attenuation requirement. There are no windows proposed on the north façade of the building. If the selected window manufacturer does not have ASTM E90 test data on file for the specific window assembly to be installed, a mock-up will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement. The configuration of the mockups will be submitted for review and approval to OER prior to laboratory testing.

Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. Fresh air will be introduced into all residential units by the rooftop air conditioning unit shown as RTU-1 (AAON model # RN-015-8-0-CB02-000: K000-00B-DRP-0BA-0A0A000-00-00000000B) on plan M-116. RTU-1 will supply tempered fresh air via duct distribution from the roof to the apartment air outlets in each apartment living space, kitchen and bedroom. Ceiling suspended 4-pipe fan coil units (Trane model # HBP) will recirculate apartment air for apartment heating and cooling. Fresh air will be introduced into the building corridors by the rooftop air conditioning unit shown as RTU-2 (AAON model # RN-030-8-0-BB02-000: K000-D0B-DEQ-0BA-0A0C000-00-00000000B) on plan M-116. RTU-2 will supply tempered fresh air via duct distribution from the roof to air outlets in the corridors of each floor. Commercial and residential common area ventilation will be provided with outside air according to NYC Mechanical Code requirements.

The remedies for Hazardous Materials and Noise 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.

03-26-2015

Date

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Date

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