



OFFICE OF ENVIRONMENTAL REMEDIATION

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DECISION DOCUMENT

NYC VCP Remedial Action Work Plan Approval

March 11, 2016

Re: **5 Bay Street**
Staten Island, Block 1, Lot 58 and 60
Hazardous Materials
VCP Number: 15CVCP162R

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated November 16, 2015 with Stipulation Letter dated March 09, 2016 for the above-referenced project. The Plan was submitted to OER under the NYC Voluntary Cleanup Program. The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on December 18, 2015. There were no public comments.

Project Description

The proposed future use of the Site will consist of the restoration of four historic buildings, the historic underground vaults, as well as the construction of two new buildings. Phase 1 of the development consists of the leasing of a 66,576 square foot parcel of land located at 5 Bay Street (Lot 58 and a portion of Lot 60), in Staten Island, New York; the construction and equipping of a new commercial building totaling approximately 66,295 square feet along with an approximately 96,523 square foot parking structure and 117 apartment units in a 13 story tower over the commercial space. The commercial tenants will be a mix of restaurants, supermarket and office space. Phase 2 of the development consists of the leasing of a 101,361 square foot parcel of land located at 5 Bay Street (Lot 60) in Staten Island; the restoration and equipping of four existing historic buildings totaling approximately 40,668 square feet and the construction and equipping of a new commercial building totaling approximately 108,055 along with an approximately 46,590 square foot parking structure. The proposed development will serve as a waterfront destination for tourists and local residents and will include open space areas and retail, hotel, conference center and parking facilities. The current zoning designation is C2-4/R7A and designates commercial and residential mixed use. 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 project known as 5 Bay 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 Description of Selected Remedy

The remedial action selected for the 5 Bay 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. Selection of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility(s), i.e., one sample per 1,000 cubic yards.
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. Based on the results of the Remedial Investigation, it is expected that this alternative would be achieved by the excavation of approximately 18 to 33 ft. to elevation 22 ft. amsl in the western portion of Phase 1 of construction, 6 to 24 ft. to elevation 12 ft. amsl in the eastern portion of Phase 1; and excavation to a depth of 6 to 20 ft. to elevation 12 ft. amsl for Phase 2 of construction. The proposed excavation volume for both Phase 1 and Phase 2 of construction is approximately 59,000 cubic yards (CY) of soil which will be removed from the Site and properly disposed at an appropriately licensed or permitted facility.
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. Registration of tanks and reporting of any petroleum spills associated with underground storage tanks (USTs) 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 17 end-point samples from the bottom of the excavation to evaluate the performance of the remedy with respect to attainment of Track 1 SCOs. As part of the Remedial Investigation, four of the ten end-point samples were preemptively collected from the two foot interval beneath the proposed bottom of excavation. End-point samples did not exceed Track 1 SCOs, with the exception of nickel at 100 mg/kg in one sample. The presence of nickel is likely naturally occurring and not representative of contamination at the Site. The concentration is consistent with the NYSDEC background range for soils in the Eastern United States. A map indicating end-point sampling locations is attached in Appendix 5. Samples will be analyzed for contaminants of concern VOCs, SVOCs, Metals, PCBs, and Pesticides.
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. 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.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.

15. 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 lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of the new development will constitute Engineering and Institutional Controls:

16. As part of development, construction of an engineered composite cover system comprised of combination of 6 inches of reinforced concrete slab underlain by 8 inches of clean sub-base material in building areas; 4 inches of asphalt pavement underlain by 6 inches of clean sub-base material in parking areas, and 2 feet of clean soil in open space areas.
17. As part of development, installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil vapor barrier below the slab throughout the full building area and a Grace Bituthene (or equivalent) vapor barrier system outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
18. As part of new development, construction and operation of a cellar parking garage with high volume air exchange in conformance with NYC Building Code. The parking garage will also be completed at the location where concentration of TCE at 434 $\mu\text{g}/\text{m}^3$ in SV-2 exceeded the Sub-Slab Vapor Concentration guidance value.

The remedies for Hazardous Materials described above 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.

March 11, 2016



Date

William Wong
Project Manager

March 11, 2016



Date

Shaminder Chawla
Deputy Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER
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