



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 & E-Designation Remedial Action Work Plan Approval

January 5, 2016

**Re: “415-419 Marcy Avenue”
33-41 Walton Street; 415, 419-427 Marcy Avenue
Brooklyn Block 2245, Lots 1 & 5
Hazardous Materials, Air Quality, Noise “E” Designation
E-282: 9/12/2012 59 Walton Street Rezoning - CEQR 10 DCP 001K
OER Project Number 16EHAN044K / VCP Number 16CVCP041K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated December 04, 2015 with Stipulation Letter dated December 14, 2015 and the Remedial Action Plan for Air Quality and Noise dated December 14, 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 January 4, 2016. There were no public comments.

Project Description

Lot 1 will be subdivided into two lots (8,300 sf and 1,600 sf). The redevelopment plans are described as follows:

415 Marcy Avenue: The proposed future use of the Site will consist of a new 7-story mixed-use building with a cellar occupying approximately 3,509 sf of lot 1 (partial) and lot 5. The cellar level will contain a commercial office space and utility rooms, a stairwell and an elevator pit. The first floor will contain a retail space and residential lobby. Floors second through seventh will contain residential units. The building’s cellar will require excavation to approximately 7 feet, with additional excavations to 8 ft for the building footings and 12ft for the elevator pit. Portions of the building footprint not excavated to the cellar level will be capped with a concrete slab at grade.

419 Marcy Avenue: The proposed future use of the Site will consist of a new 6-story mixed-use building with a full cellar. The cellar will contain a 4,361 sf commercial space, a bike storage room, sprinkler room, electric meter room, refuse storage room, an elevator, two stairwells, and a 650 sf exterior concrete walkway. The first floor will consist of a 2,840 sf commercial space, a 268 sf commercial space, a 1,217 sf commercial storage area, a residential lobby, an elevator and three stairwells. The second through sixth floors will consist of residential apartments. The building will contain an 8,812 sf cellar which will require excavation to approximately 7 feet, with additional excavations to 8 ft for the building footings and 12ft for the elevator pit. A three-foot buffer along Walton Street will require excavation of the top 2 feet of soil.

The buildings will not be equipped with any parking areas.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “415-419 Marcy 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 Hazardous Materials

The remedial action selected for the 415-419 Marcy 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) Conducting a GPR survey of Lot 5 to identify any underground storage tanks once the building is unoccupied;
- 3) Evaluating soil, groundwater and soil vapor quality on Lot 5 upon building demolition. This investigation will be completed prior to start of building footings. Results of this investigation will be submitted to OER as an addendum report. Remedial elements may change based upon investigation results;
- 4) Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds;
- 5) Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs);
- 6) 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;
- 7) Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
- 8) Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, approximately 71% of the Site will be excavated to depth of 7 feet with additional excavations to 2 feet for a 3-foot strip along Walton Street. A small area for elevators will be excavated to depths of 12 feet. The northwestern portion of the Site (on Lot 5) will remain unexcavated. An estimated 4,012 tons of soil will be removed;
- 9) Excavation of a PCB hotspot in the vicinity of B3. Hotspot removal actions will be performed to ensure that the hotspot is fully removed by the collection of end-point samples from the bottom and four sidewalls of the hotspot excavation. The hotspot will be excavated to approximately 4 ft and will be approximately 10 x 10 ft in size;
- 10) Collection and analysis of four soil samples, one groundwater sample, and two soil gas samples, as well as a GPR survey, on Lot 5 upon building demolition;
- 11) 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;
- 12) 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;
- 13) 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;
- 14) 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;
- 15) Collection and analysis of 6 end-point samples from the bottom of the excavation to evaluate the performance of the remedy with respect to attainment of Track 4 SCOs. Samples will be analyzed for contaminants of concern SVOCs and metals;

- 16) Demarcation of residual soil/fill in landscaped areas;
- 17) Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
- 18) Installation of a waterproofing membrane/vapor barrier system below the concrete slab underneath the building as well as behind foundation walls of the proposed building. The vapor barrier will consist of the Grace Preprufe 300R and 160R waterproofing membrane, or equivalent system;
- 19) Installation of active Sub Slab Depressurization System based on field conditions if groundwater encountered is below excavation depths;
- 20) Evaluation of indoor air quality within the occupied cellar commercial spaces upon building construction;
- 21) Construction and maintenance of an engineered composite cover consisting of 6 inch thick concrete building slab, and a 6 inch thick concrete capped rear courtyard and unexcavated areas to prevent human exposure to residual soil/fill remaining at the Site;
- 22) Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
- 23) Performance of all activities required for the remedial action, including permitting requirements and pre-treatment requirements, in compliance with applicable laws and regulations;
- 24) 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; and
- 25) 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 415-419 Marcy Avenue are as follows:

In order to satisfy the requirements of the E-designation, electric will be utilized at the site for space heating, hot water, or HVAC systems.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for 415-419 Marcy Avenue are as follows:

In order to meet the requirements of the E Designation, the following window/wall attenuations will be achieved at the locations described below:

- 1) 28 dBA for residential facades; and
- 2) 23 in the first floor commercial spaces, based on an allowed 5 dBA reduction for commercial space.

The following window(s) will be installed for 415 Marcy Avenue:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
415 Marcy South façade Floors 2 nd through 7 th North façade Floors 2 nd through 7 th	30	See ASTM E-90 Lab Test Report Architectural Testing Report No: ESP-012098-pella-1 Date: 12/17/2012	Pella Designer Series Casement Window 3-Wide, 69x59 (W1)	5/8" Primary IG: 1/4" exterior, 1/4" air space, 1/8" interior Secondary Panel: 1/8" interior glass, 1 1/8" air space
415 Marcy South façade 1 st Floor commercial	26	See ASTM E-90 Lab Test Report Architectural Testing Report No: D1170.01C Date: 10/24/2013	Reynaers CS68 Tilt Turn Window (W6)	2" IG (1/2" annealed, 1" air space, 1/2" annealed)
415 Marcy North Façade Floors 2 nd through 7 th South Façade Floors 2 nd through 7 th	29	See ASTM E-90 Lab Test Report Architectural Testing Report No: 30160-06-72360-1 Date: 2/02/2006	Pella Type Architect Series Sliding Patio Door	23/32" IG (1/8" glass, 9/32" air space, 5/16" laminated glass)

The following window(s) will be installed for 419 Marcy Avenue:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
419 Marcy East and south façades Floors 2 nd through 6 th North façade Cellar and floors 2 nd through 6 th	30	See ASTM E-90 Lab Test Report Architectural Testing Report No: ESP-012098-pella-1 Date: 12/17/2012	Pella Designer Series Clad Vent Casement 3-Wide, 69x59 (W1)	5/8" Primary IG: 1/4" exterior, 1/4" air space, 1/8" interior Secondary Panel: 1/8" interior glass, 1 1/8" air space
419 Marcy East façade Floors 2 nd through 5 th North façade Floors 2 nd and 3 rd	30	See ASTM E-90 Lab Test Report Architectural Testing Report No: ESP-012098-pella-1 Date: 12/17/2012	Pella Designer Series Clad Vent Casement 3-Wide, 69x59 (W2)	5/8" Primary IG: 1/4" exterior, 1/4" air space, 1/8" interior Secondary Panel: 1/8" interior glass, 1 1/8" air space
419 Marcy East façade Floors 2 nd through 6 th	30	See ASTM E-90 Lab Test Report Architectural Testing Report No: ESP-012098-pella-1 Date: 12/17/2012	Pella Designer Series Clad Vent Casement Pella Designer, 2-Wide, 58x59 (W3)	5/8" Primary IG: 1/4" exterior, 1/4" air space, 1/8" interior Secondary Panel: 1/8" interior glass, 1 1/8" air space
419 Marcy East façade Floors 4 th through 6 th North façade Floors 4 th through 6 th	30	See ASTM E-90 Lab Test Report Architectural Testing Report No: ESP-012098-pella-1 Date: 12/17/2012	Pella Designer Series Clad Vent Casement Pella Designer, 2-Wide, 58x59 (W4)	5/8" Primary IG: 1/4" exterior, 1/4" air space, 1/8" interior Secondary Panel: 1/8" interior glass, 1 1/8" air space

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
419 Marcy East and south façades 1 st floor commercial	26	See ASTM E-90 Lab Test Report Architectural Testing Report No: D1170.01C Date: 10/24/2013	Reynaers CS68 Tilt Turn Window (W6)	2" IG (1/2" annealed, 1" air space, 1/2" annealed)
419 Marcy East façade 1 st floor commercial	26	See ASTM E-90 Lab Test Report Architectural Testing Report No: D1170.01C Date: 10/24/2013	Reynaers CS68 Tilt Turn Window (W7)	2" IG (1/2" annealed, 1" air space, 1/2" annealed)
419 Marcy East façade Floors 2 nd through 6 th South façade Floors 2 nd through 5 th North façade Floors 2 nd through 6 th	29	See ASTM E-90 Lab Test Report Architectural Testing Report No: 30160-06-72360-1 Date: 2/02/2006	Pella Type Architect Series Sliding Patio Door	23/32" IG (1/8" glass, 9/32" air space, 5/16" laminated glass)

The acoustical reports described above are representative of the acoustical performance of all proposed windows

In order to satisfy the requirements of the E-Designation, Alternative Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

- 1) **Trickle Vents:** Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Installing Variglaze model trickle vents manufactured by Titon in each residential unit at a rate of one trickle vent per bedroom and living room.
- 2) **HVAC System:** Wall-mounted heating and cooling for each residential unit will be provided through Mitsubishi heat pump split systems (models PUMY-P36NHMU, PUMY-P48NHMU, PUMY-P60NKMU, PKFY-P06NBMU, and PKFY-P18NHMU-E2). Condensing units will be located on the roof.
- 3) **Compliance with 2014 Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, Noise E-Designation 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.

January 6, 2016



Date

Amanda Duchesne
Project Manager



January 6, 2016

Date

Zach Schreiber, Ph D.
Assistant Director



January 6, 2016

Date

Shaminder Chawla
Deputy Director

cc: Kim Somers, Environmental Business Consultants – ksomers@ebcnyinc.com
Yochanan Tennenhaus, Sunshine Construction – yt@sunshineemail.com
Diego Aguilera, R.A. – dbaguilera@aol.com
Ariel Czemerinski, P.E. – ariel@amc-Engineering.com
Daniel Walsh, Zach Schreiber, Maurizio Bertini, Hannah Moore, Amanda Duchesne, PMA-OER