



OFFICE OF ENVIRONMENTAL REMEDIATION

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NOTICE TO PROCEED

DOB Job Numbers 240290993, 240291000, 240291019, 240291028

February 8, 2023

Re: 713-719 East 235th Street
Bronx Block 4999, Lots 46, 43 - Tentative, 44 - Tentative, 45 – Tentative
Hazardous Materials and Noise “E” Designation
E-181: Wakefield / Eastchester Rezoning - CEQR 07DCP058X - 7/25/2007
OER Project Number 21EH-N130X / 22CVCP052X

Dear Bronx Borough Commissioner:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Numbers. This correspondence is provided pursuant to OER’s responsibilities as established in Subchapter 7 of Chapter 14 of Title 43 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials remedial action work plan and Noise remedial action plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER’s Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §43-1474 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact Kestana Anokye at 212-788-8319.

Sincerely,

Zach Schreiber, Ph.D.
Assistant Director

cc: Josh Navi, 713 East 235th LLC - jnavi22@gmail.com
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DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

February 8, 2023

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated 12/2022 with Stipulation Letter dated March 2022 and the Remedial Action Plan for Noise dated November 2022 for the above-referenced project.

These Plans were 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 01/29/2021. There were no public comments.

Project Description

The proposed development includes the construction of four 3-story slab on grade residential buildings with back yard areas behind and to the north of each building.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “713-719 East 235th Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §43 – 1474 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the 713-719 East 235th Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

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);
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The eastern and western portions of the Site will be excavated down to two (2) feet below grade with deeper excavation to six (6) feet

below grade for the construction of footings. Approximately 449 cubic yards of soil will be removed from the Site. Soil from the eastern portion of the Site will be tested according to DER-10 for reuse purposes and submitted to OER for review/approval prior to reuse;

7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID;
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. Three (3) magnetic anomalies were encountered during a previous geophysical survey for the Phase II investigation. These anomalies will be investigated during the development of the Site through completion of test pits in these areas. All anomalies will be removed from the Site and properly disposed of. Should any USTs be found at the Site, they will be registered with the NYSDEC and removed according to NYSDEC protocols. Any petroleum spills associated with found USTs or otherwise will be reported to the NYSDEC and brought into 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 12 end-point samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs;
12. Import of materials to be used for backfilling 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. As part of development, construction of an engineered composite cover consisting of a six (6) inch thick concrete building slab with an eight (8) inch clean granular sub-base beneath all building areas, four (4) inch poured concrete on a six (6) inch sub-base in sidewalk areas, and two (2) feet of clean soil in all open space and landscaped areas;
16. As part of development, installation of a vapor barrier system consisting of vapor barrier beneath the new building slabs to mitigate potential future soil vapor migration into the buildings. The vapor barrier system will consist of a Stego Industries Stego Wrap 20-mil Vapor Barrier below the slabs throughout the full building areas. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration;
17. As part of development, a passive SSDS will be installed beneath the new building at 713 East 235th Street (the westernmost building) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 four (4) inch PVC pipe connected to a four (4) inch steel riser pipe that penetrates the slab and travels outside the building to the roof. The gas permeable layer will consist of an eight (8) inch thick layer of 3/4-inch crushed virgin mined stone. The pipe will be finished at the roof line with a four (4) inch goose neck pipe to prevent rain infiltration. The passive SSDS would not be considered an Engineering Control; As part of development, a passive SSDS will be installed beneath the new building at 713 East 235th Street. The system will consist of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 four (4) inch PVC pipe connected to a four (4) inch steel riser pipe that penetrates the slab and travels outside the building to the roof. The gas permeable layer will consist of an eight (8) inch thick layer of 3/4-inch crushed virgin mined stone. The pipe will be finished at the roof line with a four (4) inch goose neck pipe to prevent rain infiltration. The passive SSDS is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the passive 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;
18. 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.
19. Should Track 1 SCOs not be achieved, then submission of a RAR will describe the remedial activities, certify that the remedial requirements have been achieved for Track 2 Residential Soil Cleanup Objectives (RSCOs), define the Site boundaries, list 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 operation, maintenance, monitoring, inspection, and certification of Engineering and Institutional Controls and reporting at a specified frequency;

21. 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 713-719 East 235th Street site are as follows:

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Size	Manufacturer and Model	Glazing
Front Façades	35	ASTM E-90 Transmission Loss Test Report	2-3'0"X4'-6"H	Tilt-Turn Window, Intertek Windows, Model # S4500 Tickle Vent at Window Typ.	1-3/8" IG (3/8" laminated exterior, 5/16" argon, 1/8" annealed. 5/16" argon, 1/4" laminated interior) Glass temperature 75°F
Front & Rear Façades	35	ASTM E-90 Transmission Loss Test Report	4'0"X4'-6"H	Tilt-Turn Window, Intertek Windows, Model # S4500 Tickle Vent at Window Typ.	1-3/8" IG (3/8" laminated exterior, 5/16" argon, 1/8" annealed. 5/16" argon, 1/4" laminated interior) Glass temperature 75°F

2.3 Alternate Means of Ventilation

In order to satisfy the requirements of the E-Designation, Alternate 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:** Installing SM-Surface mounted aluminum slot ventilator trickle vents manufactured by Trimvent® in all bedrooms and living rooms. Fresh air will be provided to all bedrooms and living rooms by the trickle vents.
- 2. Heating and Cooling - HVAC System 1 – Heat Pump Split system for 1st floor – Mitsubishi 36,000 BTU Ductless Mini-Split Multi Zone MXZ-C Series – Heat Pump Condenser Model MXZ-4C36NA2. HVAC System 2 – Heat Pump Split System 2nd and 3rd floor – Mitsubishi 48,000 BTU 18.9 SEER Quad Zone H2I HYPER Heat Pump System 9+9+9+12 Wall – Mounted Model MXZ-8C48NAHZ2.**

The remedies for Hazardous Materials, 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.

2/8/2023



Date

Kestana Anokye
Project Manager

2/8/2023



Date

Zach Schreiber, Ph.D.
Assistant Director

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