



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB 520381097**

July 8, 2019

Re: 44 Victory Boulevard  
Staten Island Block 498, Lot 40  
Hazardous Materials E Designation  
E-217: Special St. George District - CEQR 08DCP070R - 10/23/2008  
OER Project Number 15EHAZ060R / 19CVCP054R

Dear Staten Island 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 Chapter 24 of Title 15 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 that is 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 §24-07 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 Isabel McRae at 212-341-2034.

Sincerely,

Shaminder Chawla  
Deputy Director

cc: Ayal Horovitz, Helm Equities - ayal@helmequities.com  
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**DECISION DOCUMENT**

**E-Designation Remedial Action Work Plan Approval**

July 8, 2019

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OER Project Number 15EHAZ060R / 19CVCP054R

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated October 2014 with Stipulation Letter dated July 3, 2019 for the above-referenced project. The Plan was submitted to OER under the E-Designation Program.

**Project Description**

The redevelopment project consists of the demolition of the existing site building to accommodate a new commercial/residential building for use as a family shelter and mixed-retail stores. The proposed future use of the site will consist of a four- and six-story, approximately 25,716-square feet (footprint) structure with a partial cellar and associated asphalt-paved parking/driveway areas. The site structure will be situated immediately along the northern, eastern, and western property boundaries. The first floor of the structure along Bay Street and Victory Boulevard will be comprised of seven retail units, and the partial cellar/subgrade level will consist primarily of retail spaces, stock areas, bathrooms, employee areas, and janitor/utility closets. An open-air trash enclosure will be located in the central portion of the site. Parking areas will be in the southern and central portions of the site and underneath the second floor of the site structure to the west.

Excavation is proposed for regrading in select areas of the site and cellar/utility installation. Excavation will not occur below groundwater and is proposed to extend to depth of up to approximately 8.0 feet below ground surface (fbgs) for regrading and cellar excavation. Portions of the site (mainly to the west) will be filled up to 8.0 feet. A stormwater detention system consisting of 48-inch detention pipes, an outlet control structure, a drop structure and two inlets is proposed in the southern portion of the site. A retaining wall is proposed at the southern portion of the site along the property boundary. Demolition activities proposed for the project primarily consist of the removal of the existing site structure, asphalt, and curbs. New underground sanitary sewer, water, electrical, and natural gas utility lines will be installed in the northern and eastern portions of the site. The remedial action contemplated under this RAWP may be implemented independently of the proposed redevelopment plan.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “44 Victory Boulevard” 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**

The remedial action selected for the 44 Victory Boulevard 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 (see Appendix 1) 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. Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs). Track 4 SCOs include: Total SVOCs: 100 ppm; arsenic: 23 ppm; lead: 1,000 ppm in 0-2 ft depth interval.
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 Track 4 Site-Specific SCOs. A partial underground cellar will be excavated to a maximum depth of approximately eight fbg's in the southern portion of the subject property. A stormwater detention system will be excavated in the southern portion of the site to approximately six fbg's.
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. Removal of all UST's that are encountered during soil/fill removal actions.
10. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
11. 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.
12. Collection and analysis of six end-point samples to determine the performance of the remedy with respect to attainment of SCOs. Samples will be analyzed for contaminants of concern [SVOCs and Metals].
13. Demarcation of residual soil/fill in landscaped areas. (Demarcation layer is not required underneath slab or in parking areas). Landscaped areas currently are not proposed.
14. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
15. Construction of an engineered composite cover consisting of a 6-inch thick concrete building slab with a minimum 4-inch clean granular sub-base beneath all building areas, 4-inch poured concrete on a minimum 4-inch sub-base in sidewalk areas, and 4-inch thick asphalt with a minimum 4-inch clean granular sub-base beneath all parking areas.
16. 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 Raven Vapor Block Plus below the slab throughout the full building area and a 20-mil vapor barrier Raven Vapor Block Plus outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
17. 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.
18. Dewatering is not anticipated, but if required dewatering will be performed in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
19. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
20. Submission of an approved Site Management Plan (SMP) in the Remedial Closure Plan (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. Submission of a RCR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.

22. 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.

The remedies for Hazardous Materials 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.

July 9, 2019

Date



Isabel McRae  
Project Manager

July 9, 2019

Date



Shaminder Chawla  
Deputy Director

cc: Ayal Horovitz, Helm Equities - ayal@helmequities.com  
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