



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB-220545952

January 10, 2017

Werner de Foe, A.I.A.
Bronx Borough Commissioner
NYC Department of Buildings
1932 Arthur Ave., 5th Floor
Bronx, NY 10457

Re: MLK Plaza: 869 East 147th Street
869-873, 875, and 879 East 147th Street
Bronx Block 2600, Lot 187 (previously Lots 187, 222, 220, 213)
Hazardous Materials and Noise “E” Designation
E-385: 10/27/2016 East 147th Street Rezoning – CEQR 16 DCP 154X
OER Project Number 16EH-N087X / VCP Number 17CVCP034X

Dear Commissioner de Foe:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Number. 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 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 §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 Sarah Pong at 212-442-8342.

Sincerely,


Shaminder Chawla
Deputy Director

cc: Daniel Rad, Radson Development – dan@rad-son.com
Sean Harrison, Brinkerhoff Environmental Services, Inc. – sharrison@brinkenv.com
Fernando Villa, R.A. – fvilla@maparchitects.com
Aaron Werner, HPD – werner@hpd.nyc.gov
Daniel Walsh, Zach Schreiber, Maurizio Bertini
Sarah Pong, PMA-OER



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

January 10, 2017

Re: MLK Plaza: 869-873, 875, and 879 East 147th Street
Bronx Block 2600, Lot 187 (previously Lots 187, 222, 220, 213)
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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 December 2016 with Stipulation Letter dated January 6, 2017 and the Remedial Action Plan for Noise dated December 2016 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program (VCP) and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period will end on January 26, 2017. Any public comments that require changes to the RAWP will be addressed prior to commencement of the remedial action. NYS DEC was briefed on the site in October 2016.

Project Description

The Site is located at 869, 875, 879, and 881 East 147th Street in the Woodstock section of Bronx, New York and is identified as Block 2600 and Lot 187 on the New York City Tax Map. Formerly, the Site was identified as Block 2600, Lots 187, 222, 220, and 213 and on September 26, 2016, the four (4) Lots were merged into one (1) Lot identified as Lot 187. The Site consists of 24,142 square feet (sf) and is bounded by residential and commercial properties to the north, East 147th Street and several residential properties to the south, Austin Place and a manufacturing structure to the east, and Timpson Place and a multi-family residential property to the west. Currently, the Site is vacant and consists of two (2) parking lots, two (2) two-story residential buildings, and nine (9) garages. 881 East 147th Street consists of a parking lot. A two-story residential building with a basement and a backyard are located at both 879 and 875 East 147th Street, and 869 East 147th Street consists of nine (9) garages and asphalt pavement.

The proposed future use of the Site will consist of a new 12-story residential building with a partial basement that will provide 168 dwelling units. The partial basement will cover 11,854 sf and consist of three (3) residential apartments, a lobby, a bike storage room, a gas room, a water room, an electric room, a compactor room, and a telecommunications room. The ground floor will span the building footprint of 15,594 sf and will consist of recreation rooms, a lobby, a community room, a laundry room, a mail room, a storage room, and several residential apartments. Floors two (2) through 10 will consist of residential apartments ranging from studios to three (3) bedrooms. The 11th and 12th floors will consist of residential apartments ranging from one (1) to three (3) bedrooms. A mechanical bulkhead room will be present above the 12th floor. Floors nine (9) through 12 will be setback with green roofs. A landscaped area, play area, seating area, and paved walking area will be present at grade level in the northeastern portion of the Site. The proposed depth of excavation for the partial basement will range from approximately 17 feet below grade surface (bgs) in the western portion of the Site to five (5) feet bgs

in the eastern portion of the Site due to the change in topography across the Site.

Approximately 5,000 cubic yards of soil will be excavated for the building's cellar and slab-on-grade foundation; landscaped areas, and paved areas. The water table was not encountered up to 17 feet bgs during the Remedial Investigation and Geotechnical Investigation; therefore dewatering is not expected during excavation.

The zoning designation of the property was M1-2; however, as a part of the East 147th Street Rezoning Action, City Environmental Quality Review (CEQR), dated May 9, 2016, the property has been rezoned with designation R7X. This zoning designation is descriptive of residential 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 and E-Designation Program project known as "MLK Plaza" 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 MLK Plaza 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 (CAMP) for particulate matter (i.e. dust) and volatile organic carbon compounds (VOCs);
3. Establishment of Track 4 Site-Specific 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). A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYC OER prior to start of remedial action;
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes the basement footprint will be excavated to a depth of approximately five (5) to 17 feet bgs with portions extending into bedrock and the remainder of the property will be excavated between approximately zero (0) and five (5) feet bgs for the landscaped and paved areas. An estimated 5,000 cubic yards of soil will be removed from the Site and property disposed of 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 Photo Ionization Detector (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. Removal of all underground storage tanks encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with 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 endpoint samples to determine the performance of the remedy with respect to attainment of SCOs;
12. Demarcation of residual soil/fill in landscaped areas;
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
14. Construction of an engineered composite cover consisting of a minimum four (4)-inch thick concrete building slab overlying a vapor barrier membrane and a six (6)-inch thick layer of ASTM C33 #57 natural stone beneath the building footprint; a minimum four (4)-inch layer of concrete or asphalt in

- all sidewalk areas; and two (2) feet of clean soil in all open space and landscaped areas to prevent human exposure to residual soil/fill remaining at the Site;
15. Installation of a vapor barrier system consisting of vapor barrier membrane beneath the building slab and along the exterior portions of the below-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier membrane will consist of the 20-mil VaporBlock® Plus™ vapor barrier membrane, manufactured by Raven Industries. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control (EC) for the remedial action. The remedial engineer will certify in the Remedial Action Report (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
 16. Installation of an active sub-slab depressurization system (SSDS) consisting of a 12-inch wide and one (1)-inch thick vapor vent layer that will be interconnected as one (1) loop across the entire site and will be placed over a gas permeable stone layer beneath the vapor barrier membrane. The vapor vent layer will consist of GeoVent™, manufactured by CETCO, and will be placed beneath the vapor barrier membrane. The GeoVent™ vapor vent layer will be connected to Schedule 40 three (3)-inch PVC piping that will penetrate the slab at the three (3) locations and will travel vertically through the building to three (3) fan blowers located on the roof. The gas permeable layer will consist of six (6)-inches of ASTM C33 #57 natural stone. Each riser pipe will terminate at the roof and a rain cap will be installed to prevent rain infiltration. Each fan blower will be hardwired and will consist of a FG-4 Series fan, manufactured by Fantech, which will be installed on the roof. An active power/alarm station box will be installed for each fan blower located on the roof of the building. The alarm box station will be located in an easily accessible area of the roof and will be connected to an audible and visible alarm which will be located in a manned, accessible security area that will be under 24 hour surveillance. On each SSDS riser vent, two (2) sampling ports will be installed. Additionally, a sub-slab pressure differential monitoring point will be installed in five (5) locations across the Site to evaluate the effective area of influence. The active SSDS is an EC for the remedial action. The remedial engineer will certify in the RAR that the active 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;
 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. Implementation of storm-water pollution prevention measures in general compliance with applicable laws and regulations;
 19. 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 describes all ECs and ICs 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 ECs and ICs and reporting at a specified frequency; and
 21. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of ECs and ICs in this RAWP and a requirement that management of these controls must be in compliance with an approved SMP. ICs 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 MLK Plaza site 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. 31 dBA on the southern and western façades; and
2. 28 dBA on the northern and eastern façades from the attenuation requirement outlined in the E-Designation.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades Basement and Floors 1-12 (Residential)	32	See German acoustical test report No. 161 33377/Z12e for Schuco AWS 70.HI window in Appendix E and the window specifications for Yaro glazing in Appendix D. An ASTM E-90 compliant acoustical test will be performed for the exact window system in the US and report provided to OER prior to installation.	AWS 70.HI Inward Opening Tilt-Turn Dual Action manufactured by Yaro	4.00 mm Planilux exterior glass, 16.00 mm Argon 90% first air space, 4.00 mm Planilux middle glass, 16.00 mm Argon 90% second air space, 4.00mm Planilux interior glass.
South Façade Lobby on Floors 1-2, Hallway on Floors 7-12 (Storefront)	31	See ASTM E-90 acoustical report No. B7402.01 for exact window and glazing in Appendix E	Trifab VG 601 UT Center Glazed Storefront, manufactured by Kawneer Company Inc.	1" IG (5/16" laminated, 3/8" air space, 5/16" laminated)
West Façade Lobby and Entrance Door on Floors 1-2, Stairwell on Floors 3-12 (Storefront)	31	See ASTM E-90 acoustical report No. B7402.01 for exact window and glazing in Appendix E	Trifab VG 601 UT Center Glazed Storefront, manufactured by Kawneer Company Inc.	1" IG (5/16" laminated, 3/8" air space, 5/16" laminated)
East Façade Entrance Door on 1 st Floor, Stairwell on Floors 1-9 (Storefront)	31	See ASTM E-90 acoustical report No. B7402.01 for exact window and glazing in Appendix E	Trifab VG 601 UT Center Glazed Storefront, manufactured by Kawneer Company Inc.	1" IG (5/16" laminated, 3/8" air space, 5/16" laminated)
North Façade Stairwell on Floors 1-12 and the Roof (Storefront)	31	See ASTM E-90 acoustical report No. B7402.01 for exact window and glazing in Appendix E	Trifab VG 601 UT Center Glazed Storefront, manufactured by Kawneer Company Inc.	1" IG (5/16" laminated, 3/8" air space, 5/16" laminated)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls.

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 Variglaze trickle vents manufactured by Titon Inc., US in all residential windows of all façades, floors one (1) through 12. Fresh air will be provided to all bedrooms and living rooms by the trickle vents.
2. **Compliance with Mechanical Code:** Providing outside air to common areas such as lobbies and corridors in accordance with the NYC Mechanical Code. The common areas that will be provided with

outside air as a part of this remedial action will include the recreation room, computer room, corridor, and lobby located in the basement; the meeting room, play room, reading room, laundry room, mail room, corridor, and lobby located on the first floor; the corridor located on the second through sixth floors; the exercise room and corridor located on the seventh floor; and the corridor located on the eighth through twelfth floors.

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.

January 10, 2017

Date



Sarah Pong
Senior Project Manager

January 10, 2017

Date



Shaminder Chawla
Deputy Director – VCP

January 10, 2017

Date



Maurizio Bertini, Ph.D.
Assistant Director – Noise E

cc: Daniel Rad, Radson Development – dan@rad-son.com
Sean Harrison, Brinkerhoff Environmental Services, Inc. – sharrison@brinkenv.com
Fernando Villa, R.A. – fvilla@maparchitects.com
Aaron Werner, HPD – werner@hpd.nyc.gov
Daniel Walsh, Zach Schreiber, Maurizio Bertini
Sarah Pong, PMA-OER