



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB – 320596805**

March 5, 2015

Ira Gluckman, R.A.  
Brooklyn Borough Commissioner  
NYC Department of Buildings  
210 Joralemon Street, 8th Floor  
Brooklyn, NY 11201

Re: 269 4<sup>th</sup> Avenue  
Brooklyn, Block: 964, Lots: 7 (previously Lots 6 & 7)  
Hazardous Materials "E" Designation  
E-113: 4/30/2003 Park Slope Rezoning - CEQR # 03 DCP 030K  
OER Project # 14EHAZ455K / NYC VCP Site # 14CVCP250K

Dear Commissioner Gluckman:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-reference 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 that is acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation of 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, City Administrative Code 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: Benny Zhao, New Empire Building Corporation – [benny@usneb.com](mailto:benny@usneb.com)  
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**DECISION DOCUMENT**  
**NYC VCP and E-Designation**  
**Remedial Action Work Plan Approval**

December 31, 2014

Re: **269-271 4<sup>th</sup> Avenue**  
**Brooklyn, Block: 964, Lot: 7 (previously Lots 6 & 7)**  
**Hazardous Materials “E” Designation**  
**E-113: Park Slope Rezoning - CEQR # 03 DCP 030K**  
**OER Project Number 14EHAZ455K / VCP Number 14CVCP250K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated June 2014 and Stipulation Letter dated December 2014 for the above-referenced project. The Plan was 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 July 26, 2014. There were no public comments.

**Project Description**

The Site is located at 269-271 4<sup>th</sup> Avenue in the Park Slope section of Brooklyn, New York and is identified as Block 964, Lot 7 on the New York City Tax Map. The Site is 4,353 square feet. Currently, the Site is a vacant auto body repair shop and contains several hydraulic lifts, three aboveground and three in-ground lifts.

The proposed future use of the Site will consist of a twelve-story, multi-use residential and commercial building. The proposed redevelopment of the Site includes a full build out of the property and will include a basement to a depth of 9’8”. There is a proposed elevator that will extend 5’10” below the cellar level. The final depth of the foundation and footings will be 11’8” with the elevator pit set at 17’6”. The proposed cellar will encompass the entire footprint of the Site and will be combined with a part of the north adjacent property’s (Lot 8) current cellar to be utilized for parking and meter rooms. The garage will be accessible from a proposed parking slope located on Lot 8. The first floor is projected to contain a commercial unit and community space. First floor entryways will be provided between the proposed commercial unit and the existing commercial space in Lot 8. The subsequent floors will be utilized for residential apartments. The maximum excavation depth will be approximately 12’ below grade across the Site and 17’ below grade in the location of the elevator pit. An estimated 1,163 tons of soil will be excavated and removed. The existing drains and hydraulic lifts will be decommissioned and removed before the demolition of the auto repair shop.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program

project known as “269-271 4<sup>th</sup> Avenue” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and § 11-15 of the Zoning Resolution and §24-07 of the Rules of the City of New York.

### **Description of Selected Remedy for Hazmat**

The remedial action selected for the 269-271 4<sup>th</sup> 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. Performance of a Community Air Monitoring Program (CAMP) for particulates and volatile organic carbon compounds.
3. Establishment of Site-Specific (Track 4) Soil Cleanup Objectives (SCOs).
4. Building demolition and overseeing the decommissioning of hydraulic lifts and drains.
5. Prior to the start of remedial action, collection and analysis of 3 additional soil samples at 2 locations in the north adjacent Lot 8- 1 within the proposed parking slope area and 1 within the existing courtyard area and the results submitted to OER.
6. Prior to the start of remedial action, collection of 2 soil samples within the smear zone at the locations of Hydrotech’s 2005 sampling locations SP-1 and SP-3. The 2 samples will be analyzed for VOCs and SVOCs to determine if concentrations warrant additional 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 SCOs. The entire footprint of the Site will be excavated to a depth of approximately 12 feet below grade for a basement. A portion of the property will be excavated to the depths of 17 feet below grade for an elevator pit. An estimated 1,163 tons of soils will be excavated and removed from the Site.
9. Installation of one sub-slab vapor implant from the bottom of the excavation in the area of SV-3 followed by soil gas sampling to confirm previous sampling results. The soil gas samples will be analyzed for VOCs TO-15 VOC parameters.
10. Collection and analysis of six confirmation end-point soil samples from the bottom of the excavation to evaluate the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs.
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. 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.
13. 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.
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. Installation of a vapor barrier system beneath the building slab as well as behind foundation sidewalls of the proposed building below grade. The vapor barrier will consist of Raven Industries' VaporBlock 20 Plus, which is a seven layer co-extruded barrier made from polyethylene and EVOH resins.

16. Construction and maintenance of an engineered composite cover consisting of a 6 inch concrete slab across the footprint of the new building to prevent human exposure to residual soil/fill remaining under the Site.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
19. Submission of a Remedial Action Report (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 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.

This remedy 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.

December 31, 2014

Date

  
Sarah Pong  
Project Manager

December 31, 2014

Date

  
Shaminder Chawla  
Deputy Director

cc: Benny Zhao, New Empire Builder Corp. – [benny@usneb.com](mailto:benny@usneb.com)  
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