



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 and E-Designation Remedial Action Work Plan Approval

November 6, 2015

Re: 178-02 Hillside Avenue: 178-02 to 178-36 Hillside Avenue, 88-02 to 88-08 179th Street, and 87-01 to 87-15 178th Street
Queens Block 9913, Lot 25 (formerly Lots 25, 35, and 41)
Hazardous Materials, Air Quality, and Noise “E” Designation
E-175: September 10, 2007 Downtown Jamaica Redevelopment Plan Rezoning - CEQR 05DCP081Q
OER Project Number 14EHAN551Q / VCP Number 15CVCP038Q / DEPTTECH Number 08DEPTTECH280Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated October 2015 with Stipulation Letter dated November 2015 and the Remedial Action Plan for Air Quality and Noise dated October 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 ends on November 13th, 2015. There have been no public comments.

Project Description

The Site is a 35,350-square-foot vacant lot. The proposed future use of the property is an 8-story mixed-use building with a basement. The basement will include offices and commercial spaces, a mechanical area, storage, laundry, and a gym. The first floor is proposed to include retail space and residential lobbies, a paved at-grade outdoor area, a community facility lobby, and parking. The first floor will cover the entire Site footprint. The second floor is anticipated to be parking. The remaining floors are anticipated to be residential.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation / Restrictive Declaration Program project known as “178-02 Hillside 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 Description of Selected Remedy

The remedial action selected for the 178-02 Hillside 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 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 entire footprint of the new building (86 % of property) will be excavated to approximately 15 feet below ground surface (bgs), with the exception of four elevator wells, which will be excavated to approximately 17.5 feet bgs. In addition, soils in the location of the proposed overcut excavation at the northern portion of the site will be excavated at a 1:1 slope beginning at grade at the lot boundaries and terminating at the cellar boundary at 15 feet bgs. Additionally, a portion of one hot spot location, SB-3, located along the southwestern portion of the property which will not be excavated as part of development, will be excavated to remove impacted soils from the 0-2 feet bgs interval. The remaining hot spots identified during the soil boring investigation will be excavated as part of development. Approximately 29,100 tons of soil (including hotspots) will be excavated from the site and will be properly disposed 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 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 USTs that are encountered during soil/fill removal actions.
10. 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.
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. Import of materials to be used for backfill 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. 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 the RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering Controls:

16. As part of development, construction of an engineered composite cover consisting of a 5-inch thick concrete building slab in the basement and at grade with an 6-inch clean granular sub-base and 30-inch mat foundation beneath all building areas to prevent human exposure to residual soil/fill remaining under the Site.
17. As part of development, 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 Yellow Guard 20-mil vapor barrier below the slab throughout the full building area and a Yellow Guard 20-mil vapor barrier outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
18. As part of new development, construction and operation of a grade-level and second-floor parking garage with high volume air exchange in conformance with NYC Building Code.
19. If Track 1 SCOs are not achieved, 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; and
20. If Track 1 SCOs are not achieved, the property will continue to be registered with an E-Designation by the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls 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 the 178-02 Hillside Avenue site are as follows:

In order to satisfy the requirements of the E-designation, fuel type (e.g. natural gas) will be utilized at the site for PTAC units, hot water, and rooftop units for common corridor spaces. Remaining systems, including Mitsubishi-type VRF systems, will be powered electrically.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 178-02 Hillside Avenue 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. 30 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation;
2. 35 dBA for residential facades. This will be achieved with the masonry/ wall elements and as documented by composite calculations.

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Facades – Window	32	See ASTM E-90 Acoustical Performance Test Report for the exact window and glazing in Appendix G.	Casement Window manufactured by Crystal Window & Door Systems, LTD, model #8800.	1-5/16” IG (1/4” annealed exterior, 11/16” air space, 3/8” laminated exterior)
Swing Door Window 1 st Floor (Commercial) 2 nd Floor (Parking) 3 rd – 8 th Floors Residential Maximum 80 feet above street level	32	See ASTM E-90 Acoustical Performance Test Report for the exact swing door and glazing in Appendix G.	Swing Door Window Manufactured by Crystal Window & Door Systems, LTD, model #1400.	1” 1G (5/16” laminated, 3/8” air space, 5/16” laminated)

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. **PTAC Units:** Installing model #EGN PTAC units manufactured by Evergreen Products in residential spaces encompassing floors 3 through 8. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. Floor plans showing the locations of PTAC units are included in Appendix H. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix I. The PTAC units can be operated by user to provide outdoor air.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, 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.

November 6, 2015



Date

Shana Holberton
Project Manager

November 6, 2015



Date

Shaminder Chawla
Deputy Director

cc: Michael Grey, Piermont Properties – mgrey@piermontproperties.com
James Cinelli, Liberty Environmental, Inc. – jcinelli@libertyenviro.com
Andrew Fetterman, Liberty Environmental, Inc. – afetterman@libertyenviro.com
Chris Carrano, ADG Architecture & Design P.C. – chris@adgpc.com
Marki Njoeddy, ADG Architecture & Design P.C. – marki@adgpc.com
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
Shana Holberton, PMA-OER