



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

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

February 14, 2023

Re: 97-04 Sutphin Blvd: 97-10 Sutphin Blvd
Queens Block 10030, Lot 6 – Former lot, 7501
Hazardous Materials, Air Quality, and Noise “E” Designation
E-175: Downtown Jamaica Redevelopment - CEQR 05DCP081Q - 9/10/2007 (Former)
E-639: 97-04 Sutphin Boulevard Rezoning - CEQR 21DCP095Q - 4/28/2022
OER Project Number 22EHAN282Q / 23CVCP036Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated January 2023 with Stipulation Letter dated January 20, 2023 and the Remedial Action Plan for Air Quality and/or Noise dated January 2023 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program, E-Designation Program, and Restrictive Declaration Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on 02/13/2023. There were no comments received. NYSDEC and NYCDOH was briefed on January 6, 2023.

Project Description

The proposed future use of the Site will consist of a health center and senior housing. The proposed new building will have approximately 145,000 gross square feet (gsf) (inclusive of a 15,000-gsf health clinic) in 15 stories. The floors above the health center will have approximately 173 units of senior housing with an entry on Sutphin Boulevard. The cellar will be excavated to a depth of 12 feet below ground surface (ft bgs) for most of the Site, with footings as deep as 17 ft bgs, approximately. To avoid underpinning of a 2-story residential building on Lot 43, the cellar will not extend to this property line. Excavation for the building foundation will not be conducted in this area as the ground floor will cantilever. Approximately 12,800 tons of soil/fill will be removed from the Site and properly disposed at an appropriately licensed or permitted facility. Prior to excavation activities, the existing building on-site will be fully demolished. As part of development, the referenced former lot 6 has been subdivided into two condo tax lots (lots 1001 and 1002).

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “97-04 Sutphin Blvd” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 7 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 97-04 Sutphin Blvd 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. 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);
6. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs. For development purposes, the entire footprint of the building area (about 97% of the property) will be excavated to a depth of approximately 12 feet below grade. A limited portion of property will be excavated to the depth of 17 feet below grade for elevator pits/building footers. Approximately 8,000 cubic yards (12,800 tons) of soil/fill will be removed from the Site and 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;
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 (UST's) that are encountered during soil/fill removal actions. 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;
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 ten (10) end-point samples to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs;
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. Construction of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site: a 5-inch thick concrete building slab with an 6-inch clean granular sub-base beneath all building areas.
14. 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 46-mil Preprufe 300R Plus or OER-approved equivalent system below the slab throughout the full building and 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 Remedial Action Report (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
15. Installation of a passive sub-slab depressurization system (SSDS) 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 4-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a 6-inch thick layer of 2-inch trap rock stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. If needed based on a SVI study, the active SSDS will be hardwired and be sized in accordance with results of the post-construction soil vapor intrusion (SVI) study. Any blower will be installed on the roof line and a pressure gauge and alarm located in an accessible area in the basement. The active SSDS is an Engineering Control for the remedial action. The remedial engineer

- will certify in the RAR that the passive or 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;
16. Completion of a post-construction SVI intrusion study to determine if SSDS is to be operated as active or passive. The study will include the installation of vapor and as necessary, vacuum monitoring points;
 17. Construction and operation of a cellar/grade-level parking garage with high volume air exchange in conformance with NYC Building Code;
 18. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
 19. 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;
 20. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
 21. 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 Engineering and Institutional Controls to be implemented at the Site;
 22. Submission of an approved Site Management Plan (SMP) in the Remedial Action 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; and
 23. The property will continue to be registered with an E-Designation or Restrictive Declaration 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 Air Quality

The elements of the remedial action selected for Air Quality for the 97-04 Sutphin Blvd site are as follows:

The Air Quality E-639 for Block 10030 and Lot 6 requires the following: “Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure the HVAC system and hot water equipment stack is located at the highest tier and at least 155 feet above the grade to avoid any potential significant adverse air quality impacts. ”

In order to satisfy the requirements of E-639, electric will be utilized at the site.

The hot water system will be powered by electricity for the residential spaces from 2nd floor and above. Seven electric water heaters (three EEMAX Model SPEX4208, one EEMAX Model SPEX8208, two AO SMITH Model DEL-20, and one HUBBELL Model SE50) will be located in the mechanical room within the bulkhead and are shown in Appendix F.1.

The letter from the mechanical engineer confirms that electricity would be the only energy source for heating, cooling, and domestic hot water for the ground floor core and shell spaces. The space will not have a gas service, or any gas fired equipment.

A Generac Model SG200 Generator firing natural gas as the type of fuel, will be used as the emergency generator.

In order to satisfy the requirement of the E-Designation that the stack for the generator is required to be at least 155 feet above ground level, the stacks will be above the roof of the bulkhead at least 163 feet above ground level.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 97-04 Sutphin Blvd site are as follows:

In order to meet the requirements of the E Designation, the following window/wall attenuation requirements will be achieved at the locations described below:

1. For the community facility spaces on the ground floors:
31 dBA for all façade storefront;
2. For residential uses above street level (Floors 2 to 15):
31 dBA for all facades.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades, 1 st Floor Community Facility Spaces	31 (Required 31)	AAMA 1801 acoustical test report in Appendix H.1	Center Glazed Storefront, KAWNEER Company Inc., TRIFAB VG 601 UT (B7402.01)	1" IG (5/16" laminated, 3/8" air space, 5/16" laminated)
All Façades, Floors 2 to 15 Residential Living Spaces	34 (Required 31)	ASTM E-90 acoustical report in Appendix H.2	Tilt and Turn Window, REHAU CONSTRUCTION LLC, 4500 (D0183.01)	1-1/4" IG (1/4" Annealed Exterior, 3/4" Air Space, 1/4" Laminated Interior)

The applicant commits to demonstrating that the selected manufacturer's window products (fixed window panels) achieve the minimum OITC requirement outlined in the table above. If the selected manufacturer does not have ASTM E90 test on file for the specific window assemblies to be installed, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement.

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. **VRF System:** Installing 14 City Multi-VRF outdoor units (one Model PURY-P72TNU-A unit, one Model PURY-P96TNU-A unit, four Model PUHY-P72TNU-A units, six Model PURY-P96TNU-A units, one Model PUHY-P120TNU-A unit, and one Model PUHY-P144TNU-A unit) manufactured by Mitsubishi Electric Trane HVAC for all residential bedrooms and living rooms which are on floors 2 to 15 as well as the medical offices which are on the ground floor. The VRF units will provide heating and cooling to the spaces through wall-mounted or ceiling-concealed VRF fan coils. Outside air is provided

through a roof mounted Energy Recovery Ventilator (ERV). The Swegon ERV (Model RX-050) distributes fresh air to all bedrooms and living rooms. The Swegon ERV (Model RX-012) distributes fresh air to corridors. The Renewaire ERV (Model HE-1XJINH-S15EE-GNT-L and Model HE-3XJINH-S35VV-ANT-L) distributes fresh air to ground and cellar amenities and offices.

2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

An Air Quality and Noise Installation Report (IR) will be submitted to OER following implementation of the remedial action defined in this RAP. The IR will document that the remedial work required under this RAP has been completed and has been performed in compliance with this plan.

The remedies for Hazardous Materials, Air Quality, and Noise E Designations 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.

2/14/2023



Date

Zarka Naba
Project Manager

2/14/2023



Date

Shaminder Chawla
Deputy Director

cc: Cara McAteer, Breaking Ground - cMcAteer@breakingground.org
Elissa Winzelberg, Breaking Grounds - ewinzelberg@breakingground.org
Ernie Rossano, ERM - ernie.rossano@erm.com
Karen Pickering, ERM - karen.pickering@erm.com
Jason Huang, VHB - jhuang@vhb.com
Brandon Pietras, Bernheimer Architecture PLLC - brandon@bernheimerarchitecture.com
Mark McIntyre, Zach Schreiber, Maurizio Bertini
Zarka Naba, PMA-OER