



Office of Environmental Remediation

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Updated Decision Document
NYC VCP and E-Designation
Remedial Action Work Plan Approval

January 24, 2025

Re: 11-33 – 11-35 44th Drive; 11-45 – 11-49 44th Drive; 11-43 44th Drive; 11-39 – 11-41 44th Drive; and 11-37 44th Drive
Queens Block 447, Lot 5
Hazardous Materials E Designation
E-129: Hunters Point Subdistrict Rezoning - CEQR 04DCP011Q - 8/12/2004
OER Project Number 25EHAZ085Q / 25CVCP023Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated January 2025 with Stipulation Letter dated January 20, 2025, 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 12/01/2024. There were no public comments. Site documents have been shared with the New York State Department of Environmental Conservation (NYSDEC) and, based upon their review, this project may be transferred to the State to be managed under NYSDEC's program.

Project Description

The Site will be redeveloped with a new 7-story mixed use (residential/commercial) building with a partial cellar. A 9,535.63 SF cellar will be set back approximately 15 ft from the 44th Drive, rear and west property lot lines, and approximately 48 ft from the eastern property lot line. The cellar will consist of storage, mechanical, and amenity spaces. The 1st floor spans the entire lot and will consist of a commercial space, residential lobby, and a parking garage for 45 cars. The 2nd through 7th floors will consist of 113 residential condo units.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "11-33 44th Drive" pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §43-1474 of the Rules of the City of New York.

Description of Selected Remedy

The remedial action selected for the 11-33 44th Drive 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 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. Performed additional site characterization sampling of soil and groundwater which included the collection of seventeen soil samples and three groundwater samples to evaluate soil and groundwater quality around the current UST and soil boring B8 as requested by OER and the DEC.
6. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility. A Waste Characterization Report documenting sample procedures, location, and analytical results shall be submitted to NYCOER prior to start of remedial action;
7. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs. For development purposes, excavation to a minimum depth of 12 ft will be required for the 9,583.42 SF partial cellar with additional deeper excavation to 15 ft for footings/grade beams and 20 ft for the elevator pit. The remainder of the Site will be excavated to at least 1 ft below grade for the at-grade building slab with deeper excavation to 2 to 4 ft for footings. Sloped excavation from sidewalk grade to 8 ft below grade will be required around the cellar to create a soil berm before excavating for the cellar wall footings at 15 ft below grade. A total of approximately 6,000 cubic yards (9,000 tons) of soil/fill will be removed from the Site and properly disposed of at an appropriately licensed or permitted facility;
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID;
9. 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;
10. Due to the size and close proximity to the adjacent building, the previously identified 20,000-gallon underground storage tank located in the northwest corner of the Site will remain closed in place. Additional underground storage tanks (UST's) encountered during soil/fill removal actions will be removed. 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;
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. Collection and analysis of six (6) site-wide end-point samples to determine the performance of the remedy with respect to attainment of SCOs;
14. 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;

15. Construction and maintenance of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site:
- Cellar Slab: The cellar will be capped with the new building's 6-inch-thick concrete cellar slab underlain with GCP Preprufe 300R Plus 46-mil membrane system underlain with at least a 6-inch layer of ASTM #5 (1" stone) surrounding the 4-inch perforated PVC SSDS piping over residual soil;
 - Occupied At-Grade Slab: The occupied at-grade slab area will be capped with 4-inch-thick concrete slab underlain with GCP Preprufe 300R Plus 46-mil membrane system underlain with at least a 6-inch layer of ASTM #5 (1" stone) surrounding the 4-inch perforated PVC SSDS piping over imported/residual soil; and
 - At-Grade Parking Slab: The at-grade parking slab area will be capped with 4-inch-thick concrete slab underlain with GCP Preprufe 300R Plus 46-mil membrane system and a 6-inch layer of 3/4 inch stone over imported/residual soil.
16. Installation of a waterproofing/vapor barrier membrane system beneath the entire cellar slab, behind all cellar walls to grade, below/around the elevator pit, and below the entire at-grade slab area to mitigate soil vapor migration into the building. The waterproofing membrane system will consist of GCP Preprufe 300R Plus 46-mil membrane system or OER-approved equivalent system. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The waterproofing/vapor barrier system is an Engineering Control for the Remedial Action. The remedial engineer will certify in the Remedial Action Report (RAR) that the waterproofing/vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
17. Installation of an active sub-slab depressurization system (SSDS) below the occupied portions of at-grade building slab and installation of an active SSDS below the entire cellar slab if groundwater is not present below the cellar slab. The active SSDS to be installed below the at-grade building slab will consist of one zone to be located in the southeast corner of the property. The active SSDS to be installed below the cellar slab will consist of two zones. Each SSDS zone will consist of a 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 4-inch PVC pipe connected to a 6-inch cast iron riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a 6-inch layer of ASTM 5. Each SSDS will be hardwired and will include a RadonAway RP265 blower installed above the roof line and both a pressure gauge and alarm installed in a protective case located in an accessible area in the building. A total of two permanent monitoring points will be installed in the at-grade slab area portion of the building. No permanent monitoring points are proposed through the cellar slab due to shallow groundwater. The SSDS exhaust location will be located on the roof level and will be 10 feet from any operable window, operable doors, intakes or operable hatches. The active SSDS is an Engineering Control 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;
18. A soil vapor intrusion study will be conducted for the site after the building is completed. Installation of two permanent monitoring sampling ports within the at-grade slab will be utilized to perform a post construction soil vapor intrusion study which will consist of the collection of two sub-slab soil gas samples, three indoor air samples (two co-located 1st floor indoor air samples and one indoor air sample from the cellar), and one outdoor air sample.
19. Construction and operation of an at-grade parking garage with high volume air exchange in conformance with NYC Building Code;

20. Dewatering is anticipated for the excavation of the elevator pit and cellar. When 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;
21. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
22. 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;
23. 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;
24. 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.
25. Placement of a deed restriction on the property to document the installation of, and continued operation of, an active SSDS. The deed restriction may be removed if OER determines that the active SSDS has achieved its goal and is no longer warranted.

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.

01/24/2025

Date



Yusef Kayyam
Project Manager

01/24/2025

Date



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