



OFFICE OF ENVIRONMENTAL REMEDIATION

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DECISION DOCUMENT

**NYC VCP and E-Designation
Remedial Action Work Plan Approval**

December 01, 2014

Re: **509 West 38th Street - Hazardous Materials and Noise “E” Designation**
E-137: Block 709, Lot 31, Manhattan CD 4
Hudson Yards Rezoning - CEQR # 03DCP031M
OER Project # 12EH-N302M/ NYC VCP Site # 15CVCP009M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated November 2014 with Stipulation Letter dated November 2014 and the Remedial Action Plan Noise dated October 2014 for the above-referenced project. These Plans were submitted to OER under the NYC VCP and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on November 30, 2014. There were no public comments.

Project Description

The proposed future use of the Site will consist of a 30-story mixed use (commercial and residential) building with a cellar. The current zoning designation is C2-8 which is a commercial district that is predominantly residential in character. The proposed use is consistent with existing zoning for the property.

The planned redevelopment consists of a residential tower rising over a five-story base comprised of retail, community facility, and residential amenity uses. The ground floor will contain retail and two lobbies. One lobby will serve as the residential tower amenity and a separate lobby will serve the three floor community facility and one floor commercial located on floors two through five. The residential portion of the building will include 225 units. The basement will include approximately 6,400 square feet of mechanical/maintenance room, super's office, shop and staff locker rooms as well as approximately 3,200 square feet of residential amenities such as gym, bike storage and leased storage. The building is an 80/20 development with 20% (45) of the units earmarked as Inclusionary Housing and under the auspices of HPD.

The Site area is approximately 14,900 square feet with 125 square feet footage of frontage along 38th street and 25 square feet footage along 39th street. Planned excavation ranges from 1 foot in areas of Lot 42's proposed slab-on-grade on 39th Street to 25 feet in the proposed elevator pit area on Lot 22 on 38th Street. The 38th Street parcel will be excavated to a minimum of 14 feet with the exception of setbacks on the northern and eastern property lines which will be setback 9.5 to 12 feet, respectively. Soil will be excavated to a depth of approximately five to ten feet in the setback areas. The foundation design consists of spread footings bearing on rock supported by pile caps and grade beams, with a minimum slab thickness of 5 inches. Based on preliminary estimates, approximately 6,850 cubic yards (CY) of soil removal is anticipated for the development cut of Lot 22. Lot 42, which is currently a one-story storage facility, will be demolished and the ground will be leveled and paved.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “509 West 38th Street” pursuant to 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 509 West 38th Street 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. Establish Site Specific (Track 4) 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. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. On Lot 22, excavation of all onsite soils to a general depth of approximately 14 feet. Beneath the elevator shafts, excavation will extend to approximately 25 feet. Setbacks on the north (9.5 feet) and east side (12 feet) will have a depth of excavation of approximately 5 to 10 feet. On Lot 42, excavation of two hot spots around SB-1 and SB-2 to a depth of approximately 10 feet below grade. Post excavation samples, one bottom sample and two sidewall samples will be collected from each location to determine the performance of the remedy with respect to attainment of Track 2 SCOs. Approximately, 10000 tons of soil/fill be excavated and removed from this Site.
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 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;
10. 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;
11. Collection and analysis of six post-excavation end-point samples (two in Lot 42 and four in Lot 22) to determine the performance of the remedy with respect to attainment of 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. Groundwater depth at this Site is from 7 feet to 10 feet below grade. Excavations for development purposes will extend from 14 feet below grade and to 25 feet below grade for elevators. Dewatering will be required. Dewatering permits will be obtained from NYCDEP prior to start of construction.
14. Installation and operation of an active sub-slab depressurization system in the setback areas on the north and east sides of Lot 22.
15. Installation of a vapor barrier system beneath the building slab and along outside foundation sidewalls below grade. A waterproofing/ vapor barrier system consisting of a Carlisle MiraPLY- H and MiraPLY-V 20-mil geomembrane will be installed beneath the building slab and up the sidewalls, respectively, according to manufacturer specifications.

16. Construction and maintenance of an engineered composite cover consisting of building slab (5 inches minimum) on Lot 22 and reinforced concrete slab (7 inches) on Lot 42 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.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 509 West 38th Street site are as follows:

The required attenuation was modified according to a study conducted by Houghton Associates LLC. Based on the modifications approved by City Planning and OER on 10/10/2014, the requirement attenuation levels are 35 dBA on the 38th Street Façade, 33 dBA on the East and West Façade, and 31 dBA on the North façade.

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


1. 30 dBA in the commercial space facing 38th Street based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation, and 28 dBA on east, west, and north facades
2. 35 dBA for community facility and residential windows less than 100 feet above street level facing 38th Street;
3. 33 dBA for windows from 101 - 200 feet above street level facing 38th Street based on a reduction of 3 dBA from the projected street-level L10 value of 79.8 to 76.8;
4. 31 dBA for windows from 201 - 400 feet above street level based on a reduction of 6 dBA from the projected street-level L10 value of 76.8 to 73.8;
5. 31 dBA on the northern façade up to 100 feet, and 28 dBA thereabove;
6. 33 dBA on the eastern façade up to 100 feet, 31 dBA from 100 to 200 feet, and 28 dBA thereabove;
7. southern façade facing 38th Street as described above;
8. 33 dBA on the western facade up to 100 feet, 31 dBA from 100 to 200 feet, and 28 dBA thereabove;
9. and various ratings of the masonry/ wall elements and as documented by the composite calculations.

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 Trimvent SM trickle vents manufactured by Titon in all residential units. Fresh air will be provided to all bedrooms and living rooms by the trickle vents.
2. Central System: Large fresh-air louvers are provided on floors 2-5 to provide for ducted air conditioning system with fresh air percentage to all Community spaces on the 2nd through 5th floors.
3. 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 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.


12-01-2014
Date


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12-01-2014
Date


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12-01-2014
Date


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