OFFICE OF ENVIRONMENTAL REMEDIATION
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DECISION DOCUMENT
E-Designation Remedial Action Plan Approval

April 21, 2022

Re: 3311 3rd Avenue
Bronx Block 2369, Lot 32
Hazardous Materials E Designation
E-118: Morrisania Rezoning - CEQR 03DCP046X - 8/19/2003
OER Project Number 21EHAZ277X

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Plan (RAP) dated April 2022 with Stipulation Letter dated April 11, 2022 for the above-referenced project.

The Plan was submitted to OER under the E-Designation Program.

Project Description
The Site is 3,275-square feet and is currently vacant and being utilized for the storage of cars. The proposed future use of the Site will consist of a new 4-story residential building with a penthouse (as a fifth floor) and a full cellar. A small 12-foot setback in the western portion of the lot will be capped and serve as a residential entrance to the cellar level.

The new building footprint will cover 2,904 square feet. The full cellar floor will consist of two residential units and backend spaces. The first floor will consist of a refuse room and four residential units. The second floor through the penthouse will consist of residential units. Due a 11-foot elevation change across the site; the cellar level will be at grade along the western most portion of the lot along Weiher Court and the first floor will be at grade along Third Avenue. Therefore, a sloped excavation will be required for the proposed development plan with the deepest 11-foot excavation occurring closest to Third Avenue and no excavation required on the western most portion of the site.

Statement of Purpose and Basis
This document presents the remedial action for the E-Designation Program project known as "3311 3rd Avenue" pursuant to 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 3311 3rd Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
2. Establishment of Site-Specific Soil Cleanup Objectives (SCOs). The Site-Specific SCOs established for this project are: Total SVOCs: 200ppm; Lead 1,000ppm; Mercury 2.0ppm; and Barium 800ppm.
3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. 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).

5. Excavation and removal of soil/fill exceeding Site Specific SCOs. Due to the 11-foot elevation change across the site, sloped excavation will be required to accommodate the new building's cellar level with the deepest 11-foot excavation occurring closest to Third Avenue and no excavation required in the western 12-foot setback. However, due to elevated levels of metal and SVOCs detected in the shallow soils within the western setback, a two-foot cut will be performed in this area. Approximately 850 tons of soil/fill will be excavated and removed from the Site.
6. 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.
7. 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.
8. Removal of any underground storage tanks (USTs) 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.
9. 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 the RAP. Sampling and analysis of excavated media as required by disposal facilities.
10. Collection and analysis of post-excavation confirmation soil samples to determine the performance of the remedy with respect to attainment of SCOs.
11. Import of materials to be used for backfill and cover in compliance with the RAP and in accordance with applicable laws and regulations.
12. Construction of an engineered composite cover consisting of a four-inch-thick concrete building slab underlain by a 6-inch layer of ¾" quarry stone within the building area and a four-inch poured concrete underlain by 2 feet of clean soil in the western setback.
13. Installation of a vapor barrier system consisting of a vapor barrier beneath the entire building slab and outside of all sub-grade foundation sidewalls to grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil Raven Vaporblock Plus VBP20 below the slab throughout the full building area and a 20-mil Raven Vaporblock Plus VBP20 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 RCR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
14. Installation and operation of an active sub-slab depressurization system (SSDS) consisting 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 schedule 40 4-inch PVC pipe connected to a 4-inch PVC riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a continuous 12-inch layer of ¾" (ASTM No. 5) quarry stone beneath the entire building footprint. The pipe will be finished at the roof line with a Radon Away HP-501 and a 4-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include a vacuum blower installed on the roof line and a pressure gauge and an audible and visual alarm located in an accessible area in the cellar. A total of 3 permanent monitoring points will be installed. The SSDS exhaust 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 RCR 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.
15. A final, remedial P.E. certified Active SSD system design will be submitted in an updated Stipulation List amending the draft RAP prior to the pre-construction meeting. The final design will include:
    a. SSD system configuration and layout and permanent sub-slab monitoring point locations presented as an overlay on both the foundation plans and lowest level floor plans
    b. The SSD system and permeable layer cross section highlighted in a foundation plan detail
16. As a mechanical system defined by NYC Code, the SSD system shall be filed as part of the new building or major alteration filings (which may include, but is not limited to, sub-slab piping, roughing for sub-slab riser connection, riser piping, related electrical systems, exhaust-related

documentation, blower, alarms, etc.).
    a. The Applicant of Record shall certify that the SSD system design complies with NYC Code
    b. The drawings, certifications and corresponding NYC Department of Buildings (DOB) forms will be on record with the building record
17. Prior to OER sign-off at project close out, the SSD system drawings shall be filed with DOB, as required. Documentation of filing with DOB, for example, as a post-approval amendment (PAA) to the new building filing, will be presented to OER.
18. A post construction meeting is required with the consultant, remedial engineer, developer and building superintendent.
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 Remedial Closure Report (RCR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from the RAP, and describes all Engineering and Institutional Controls to be implemented at the Site.
22. Submission of an approved Site Management Plan (SMP) in the RCR 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.
23. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in the RAP 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.
24. Recording of a deed restriction on the property to document the installation of, and continued operation, of an active SSDS. The deed restriction can be removed if OER determines that the active SSDS has achieved its goals and is no longer warranted

The remedy 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.

April 21, 2022

Date

Shirley Chen
Project Manager

April 21, 2022

Date

Sarah Pong
Assistant Director

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