



OFFICE OF ENVIRONMENTAL REMEDIATION

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NOTICE TO PROCEED
DOB NOW Number NB B00511219

November 29, 2021

Re: 639-641 East 28th Street
Brooklyn Block 5251, Lots 14 and 15
Hazardous Materials and Air Quality “E” Designation
E-233: Flatbush Rezoning - CEQR 09DCP058K - 7/29/2009
OER Project Number 19EH-A082K / 22CVCP007K

Dear Brooklyn Borough Commissioner:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Number. This correspondence is provided pursuant to OER’s responsibilities as established in Chapter 24 of Title 15 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials Remedial Action Work Plan and Air Quality Remedial Action Plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER’s Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §24-07 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact William Quinones at (212) 788-2773.

Sincerely,

Sarah Pong
Assistant Director

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

November 29, 2021

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E-233: Flatbush Rezoning - CEQR 09DCP058K - 7/29/2009
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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated August 2021, with Stipulation Letter dated October 1, 2021, and the Remedial Action Plan for Air Quality dated November 2021 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 ended on 09/23/2021. There were no public comments.

Project Description

The development project consists of redeveloping the Site with a new 7-story residential building with a rear yard and a partial cellar level below the building footprint.

The partial cellar (1,890 sq. ft.) will be situated in the southwest corner of the Site and will consist of the building's utility/meter rooms, laundry room, trash compactor room, and bicycle storage room. The first floor will consist of the residential entrance and residential apartments. The 2nd through 7th floors will consist of residential apartments.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "639-641 East 28th Street" 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

The remedial action selected for the 639-641 East 28th 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. 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. Demolition of existing buildings on Site and removal of former foundation elements is planned to occur prior to the start of the remedial action. The temporary material used for backfill will meet the SCOs established for the remedial action, and it will be removed for the new cellar excavation;
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, 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, the area of the cellar (1,890 ft²) will require excavation to a depth of 11 feet below grade to construct the new building's cellar. Additional excavation to a depth of approximately 17 feet below grade will be required for an elevator pit. The at-grade portion of the building will require excavation to a depth of approximately 2-3ft, and excavation in the rear courtyard will be performed to a depth of 1 ft. Approximately 1,200 cubic yards (1,800 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. Removal of the underground storage tanks 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;
11. 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 the RAWP. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site;
12. Collection and analysis of seven site-wide end-point samples (EP1 – EP7) to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. If Track 2 SCOs are proposed following completion of excavation, then the end point samples would be analyzed for VOCs, SVOCs, PCBs, pesticides, metals, and PFAS/PFOS;
13. Import of materials to be used for backfill and cover in compliance with the RAWP and in accordance with applicable laws and regulations;
14. Installation of a vapor barrier system beneath the cellar slab of the new building and behind all foundation walls to grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system, which is a multi-layer plastic extrusion manufactured with prime, virgin and polyolefin resins. 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 RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
15. Installation of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site:
 - a. a 4-inch thick concrete cellar slab underlain with a 20-mil vapor barrier;
 - b. a 4-inch thick concrete at-grade slab; and
 - c. a new 4-inch thick concrete slab across the rear courtyard.
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
17. Dewatering 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.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
19. Submission of an approved Site Management Plan (SMP) in the Remedial Action Report (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.

20. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from the RAWP; and
21. 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 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 639-641 East 28th Street site are as follows: In order to satisfy the requirements of E-233, electric equipment will be utilized for domestic hot water and all HVAC systems for the amenity spaces, public corridors and common areas, and all residential apartments. Natural gas will not be provided to the building.

Each apartment will be provided cooling/heat by an electric operated heat pump system that consists of indoor wall mounted air handling units and outside condensing units with thermostat for each dwelling units. The outdoor condensers (make and model RZQ18TAVJUA, RXYMQ36PVJU, 4MXS36RMVJUA, 5MXS48TVJU, 3MXS24RMVJUA, RXB18AXVJU) are located on roof & bulkhead. The indoor air handling units (make and model Daikin CTXS07LVJU, FTXS09LVJU, FTXS12LVJU, FTXS15LVJU, FTXB18AXVJU, FXAQ07PVJU, FXAQ09PVJU, FXAQ12PVJU, FAQ18TAVJU) will be installed in each apartment.

Each residential unit will be supplied with domestic hot water by an individual electric storage type hot water heater manufactured by AO Smith Model ENT-50.

In order to satisfy the requirements of the E-designation, electric HVAC and hot water systems will be installed. Therefore, there are no stacks associated with any natural gas or fuel oil fired equipment.

The remedies for Hazardous Materials and Air Quality E Designation 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.

11/29/2021

Date



William Quinones
Project Manager

11/29/2021

Date



Sarah Pong
Assistant Director

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