



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

October 31, 2022

Re: 303 Wythe Avenue, 69 South 2<sup>nd</sup> Street  
Brooklyn Block 2404, Lots 1  
Hazardous Materials, Noise E Designation ,  
E-138: Greenpoint - Williamsburg Rezoning - CEQR 04DCP003K HazMat - 5/11/2005  
OER Project Number 22EH-N353K / 23CVCP012K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2022 with Stipulation Letter dated October 20, 2022, and the Remedial Action Plan for Noise dated October 2022 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 11/11/2022. There were no public comments. OER briefed NYSDEC and NYC DOHMH in September 2022. DEC required “P” referral letter for tracking this site.

**Project Description**

The proposed future use of the Site will consist of an alteration-type (Alt.1) five-story mixed use (commercial and residential) building with a partial cellar (27,824-sq.ft. total gross area including cellar). The proposed partial cellar will be utilized for incoming service area/meters, compactor area, bike storage, and two (2) elevators (a limited use and passenger). The first floor will be utilized for residential lobby, community facility, and commercial space. The second through fifth floors will be used for multi-unit apartments. The third floor will have a recreation room and the fifth floor a terrace. For development purposes, excavation depths will consist of sloped cuts sitewide to a depth of approximately 2-feet to 4-feet below grade surface (bgs) for proposed footings with additional excavation depths of 9.5-feet bgs for the partial cellar footprint and 18-feet bgs for the elevator pits. No open spaces were proposed for the development.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “303 Wythe Avenue” 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 303 Wythe Avenue 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). A Waste Characterization Report documenting sample procedures, location and 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. For development and remediation purposes, a portion of the Site will be excavated to a depth of approximately 2-feet below grade for the slab on grade construction, 9.5-feet below grade for the partial cellar, and 18-feet below grade for elevator pits. Three (3) localized hotspots (identified in the RI as sample locations SB-2 (2' - 4') (for SVOCs) and SB-3 (2' - 4') (for SVOCs and PCBs) will be excavated to a depth of 4-feet below grade, and SB-5 (8'-10') (for PCBs) will be excavated to a depth of 11-feet below grade. Approximately 1,750-cubic yards 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 UST's that are encountered during soil/fill removal actions.
10. 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. Collection and analysis of nineteen (19) post remedial/development endpoint soil samples (EP-1 through EP-6 sitewide and HA-1 through HA-5, HB-1 through HB-4 and HC-1 through HC-4) to determine the performance of the remedy with respect to attainment of SCOs. Soil samples EP-1 through EP-3 will be collected from within the deepest points of the proposed cellar, EP-4 through EP-6 will be collected from within the slab-on-grade portions, HA-1 through HA-5 from a hotspot within the proposed cellar, and HB-1 through HB-4 and HC-1 through HC-4 from the two (2) hotspots on the slab-on-grade portion.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Installation of an engineered composite cover will consist of 6-inch-thick concrete building slab underlain with a vapor barrier beneath all building areas, followed by a minimum of 1-foot of  $\frac{3}{4}$  inch imported crushed stone to be placed sitewide. Certified clean fill will be imported and placed beneath the crushed stones on all areas of the site to meet the proposed development grade.
15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab, cellar slab and outside of sub-grade foundation sidewalls to grade and around the elevator pits to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil Raven Industries Vapor Block Plus (VBP20) below the slab throughout the full building area and a 20-mil Raven Industries Vapor Block 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 RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
16. Installation of Active Sub-Slab Depressurization System (SSDS) consisting of two (2) separate systems, one (1) system will be a 4-inch line in a continuous U-shape pipe from southwest to northwest beneath the slab-on-grade portions, and the second system will be a 4-inch line installed as a continuous loop for the proposed partial cellar. The subgrade horizontal piping will consist of fabric wrapped, perforated schedule-40 4-inch PVC pipe (or similar) connected to a 4-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 1-foot-thick layer of  $\frac{3}{4}$ -inch blue stone across the entire site. All aboveground piping including riser pipes will consist of solid schedule-40, 4-inch cast iron pipe. The riser pipes will be aboveground and will exit the compactor room leading to and traveling along the compactor room vent vertically to penetrate the roof approximately 3-feet above the roof base. The two (2) riser pipes will consist as independent active SSDS risers which will be hardwired with RP145 blowers, or

better, and finished with a 4-inch rain cap to prevent rain infiltration. Three (3) permanent vacuum monitoring ports (VMP-1 through VMP-3) will be installed (two on the slab-on-grade portions and one in the proposed cellar), independent pressure gauges and alarms will be located in an accessible area, (a & b). 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.

17. Groundwater is deep and dewatering is not anticipated.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
19. 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.
20. 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.
21. 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.
22. 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.
23. A deed restriction will be placed on the property to document the installation of, and continued operation, of the active SSDS.

**Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 303 Wythe Avenue 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. 30 dBA in residential spaces;
2. 25 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses (see Section 1.2);

**Window/ Wall Noise Attenuation**

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Residential Windows- Blue West/Wythe Ave Floor 3-5  South/ 2 <sup>nd</sup> Street Floor 3-5  Northern & Eastern Side Floor 2-5	33 (required 30)	Report No. K4333.01-113-11-R0 Option B2 (See <b>Appendix E</b> )	Zephyr Windows, Inc. uPVC Super 82 Series Tilt-turn window	36 mm IG (8 mm laminated exterior, 20 mm argon, 8 mm annealed interior),

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Residential Windows- Dark Purple  West/Wythe Ave Floor 2-5  South/2 <sup>nd</sup> Street Floor 3-5  Northern Side Floor 2-  Eastern Side Floor 3-5	36 (required 30)	Report No. J2953.01-113-11-R0 Option B1 (See <b>Appendix E</b> )	Zephyr Windows, Inc. Super 82 UPVC Fixed window	34 mm IG (10 mm annealed exterior, 16 mm argon, 8 [44.2] mm laminated interior,
Residential Window- Orange  West/ Wythe Ave Floor 2, 3, 5  South/2 <sup>nd</sup> Street Floor 2, 3, 5  Northern Side Floor 2  Eastern Side Floor 2-5	35 (required 30)	Report No. J2951.01-113-11-R0 Option C (See <b>Appendix E</b> )	Zephyr Windows, Inc. Super 82 UPVC Swing Door	34 mm IG (8 mm [44.2] laminated exterior, 20 mm argon, 6 mm annealed)
Commercial Window- (Pink)  West/Wythe Ave Floor 1  South/ 2 <sup>nd</sup> Street Floor 1	40 (required 25)	Report No. L1799.01-113-11-R0 (See <b>Appendix E</b> )	Zephyr Windows, Inc. ALU86 Tilt-Turn Window	58 mm IG (12 mm laminated exterior, 14 mm air space, 8 mm annealed center, 12 mm air space, 12 mm laminated interior),
Commercial Window- Light Purple  West/Wythe Ave Floor 1  South /2 <sup>nd</sup> Street Floor 1	42 (required 25)	Report No. J3213.01-113-11-R0 (See <b>Appendix E</b> )	Zephyr Windows, Inc. Alu86 Fixed Window	58 mm IG (12 mm [66.4 Aku] laminated exterior, 14 mm argon, 8 mm annealed center, 12 mm argon, 12 mm [66.4 Aku] laminated interior),

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Commercial Window	44 (required 25)	Please see the letter attached as <b>Appendix E</b> referencing the make of the ALU86 Swing Doors.	Zephyr Windows, Inc. ALU86 Tilt-Turn Window	58 mm IG (12 mm laminated exterior, 14 mm air space, 8 mm annealed center, 12 mm air space, 12 mm laminated interior),

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls.

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:** The PVC windows (Super 82 UPVC) and doors (Super 82 UPVC) in the residential units will be equipped with Higro ® EXR Humidity Sensitive Acoustic Ventilator with acoustic damper which has three (3) position settings (A-minimum flow, B-automatic adjustment of Higro® opening, and C-max. opening). When positioned on B-automatic adjustment opening, this setting makes the vent automatically adjust the damper due to humidity change. Fresh air will be provided by the trickle vents.
2. In the commercial space, fresh air/ventilation will be provided by the Energy Recovery Ventilator (ERV) and ducted HVAC unit. Two (2) different ERV units will be used that will supply air from outside and exhaust the stale air outside. The models are Daikin VAM600GVJU and VAM1200GVJU that will be installed in the commercial space.
3. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by (describe residential heating and cooling system).
  - Installing vertical (ducted) FXTQ36TAVJUA model split systems with RXTQ60TAVJU model outdoor unit manufactured by Daikin in Community Facility Space (Cellar) for heating and cooling.
  - Installing wall mounted FXAQ12PVJU model split systems with RXS12LVJU model outdoor unit manufactured by Daikin in Residential Lobby (1<sup>st</sup> Floor) for heating and cooling.
  - Installing five (5) ceiling mounted (ducted) FXMQ54PBVJU model split system with RXYQ288TTJU model outdoor unit manufactured by Daikin in Commercial Space – Retail A (1<sup>st</sup> Floor) for heating and cooling.
  - Installing vertical (ducted) FTQ24TAVJUD model split systems with RZQ24TAVJUA outdoor unit model manufactured by Daikin in Commercial Space – Retail B (1<sup>st</sup> Floor) for heating and cooling.
  - Installing wall mounted FTXS09LVJU model split systems with RXS09LVJU model outdoor unit manufactured by Daikin in Community Facility Lobby (1<sup>st</sup> Floor) for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU and FXAQ07PVJU split system models with RXSQ24TAVJU outdoor unit model manufactured by Daikin in apartments 201, 202, 203, 211, and 302 for heating and cooling.
  - Installing wall mounted FTXS15LVJU model split system with RXS15LVJU model outdoor unit manufactured by Daikin in apartments 204, 205, 206, 208, 209, 210 for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU, FXAQ09PVJU, and FXAQ07PVJU split system models with RXTQ36TAVJU outdoor unit model manufactured by Daikin in apartments 301 and 304 for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU and FXAQ07PVJU split system models with RXTQ36TAVJU outdoor unit model manufactured by Daikin in apartment 303 for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU, FXAQ09PVJU, and FXAQ07PVJU

- split system models with RXTQ48TAVJU outdoor unit model manufactured by Daikin in apartment 305 for heating and cooling.
- Installing a combination of wall mounted FXAQ24PVJU, FXAQ12PVJU and FXAQ07PVJU split system models with RXTQ60TAVJU outdoor unit model manufactured by Daikin in apartment 401 (4<sup>th</sup> and 5<sup>th</sup> Floors) for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU and FXAQ07PVJU split system models with RXTQ48TAVJU outdoor unit model manufactured by Daikin in apartment 402 (4<sup>th</sup> and 5<sup>th</sup> Floors) for heating and cooling.
  - Installing a combination of wall mounted FXAQ24PVJU and FXAQ07PVJU split system models with RXTQ36TAVJU outdoor unit model manufactured by Daikin in apartment 403 for heating and cooling.
  - Installing a combination of wall mounted FXAQ12PVJU, FXAQ09PVJU and FXAQ07PVJU split system models with RXTQ48TAVJU outdoor unit model manufactured by Daikin in apartment 404 (4<sup>th</sup> AND 5<sup>th</sup> Floors) for heating and cooling.
  - Installing a combination of wall mounted FXAQ18PVJU, FXAQ09PVJU, and FXAQ07PVJU split system models with RXTQ36TAVJU outdoor unit model manufactured by Daikin in apartment 405 for heating and cooling.
  - Installing vertical (ducted) FTQ30TAVJUA model split systems with RZQ30TAVJUA outdoor unit model manufactured by Daikin in the Common Building Recreation Room (4<sup>th</sup> Floor) for heating and cooling.
  - Installing wall mounted FTK09NMVJU model split system with RK09NMVJU model outdoor unit manufactured by Daikin in FA/Telecom Closet and elevator control room in the cellar and 5<sup>th</sup> Floor for cooling only.

The remedies for Hazardous Materials, Noise 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.

10/31/2022



Date

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10/31/2022



Date

Shaminder Chawla  
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