



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2nd Floor  
New York, New York 10038

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

June 22, 2017

Re: Notice of Completion  
346 West 40th Street, New York, NY  
OER Site Number: 14CVCP247M

Dear Sam Chang:

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above-referenced site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Please find the Notice of Completion attached, the issuance date of which is June 22, 2017. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla  
Deputy Director



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New York, New York 10038

**Daniel Walsh, Ph.D.**  
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**NOTICE OF COMPLETION**

**Notice Holder(s):** NYHK West 40 LLC  
2-15 149<sup>th</sup> Street,  
Whitestone, NY 11357

**Site Information:** Site Name: 346 West 40th Street - DOB Job No. 120652748  
Site Owner: NYHK West 40 LLC  
Street Address: 346 West 40th Street, Manhattan, NY  
Block 763, Lot 67  
OER Site Number: 14CVCP247M

**Project Description:** The new development at the Site consisted of a 35-story hotel building identified as Double Tree Hotel. The building has a full basement and is set back 10 feet from the southwestern boundary line of the property. The footprint of the building is approximately 8,786 square feet. The remaining southwestern undeveloped portion of the property covers an area of approximately 1,089 square feet and is designated as an open rear yard. The building is serviced with 4 elevators located in one elevator bank situated in the central and northwestern portions of the new development. The Site was excavated for the basement layout to a depth of 16 feet as was originally noted in the RAWP. This excavation extended into the rear undeveloped area in the southwestern portion of the Site, which was proposed in the RAWP to remain unexcavated following the removal of the top 2 feet. The entire rear undeveloped area was excavated to a depth of 8 feet and the remaining soil in this area was removed at a 45-degree angle to 16 feet below grade toward the footprint of the rear building foundations. Gross contaminated soil was removed for one additional foot beyond planned development depth across the northeastern and central portions of the Site to the soil and groundwater interface at 17 feet below grade; hot spot areas in the northwestern portion of the Site were also excavated an additional 1 to 4 feet below the soil and groundwater interface to 18 feet below grade within an area approximately 2,160 square feet and to 21 feet below grade within an area approximately 840 square feet. A pit for an elevator bank in the central portion of the Site was excavated 7 feet 4 inches below the soil and groundwater interface to 24 feet 4 inches below grade within an area approximately 3,225 square feet. The localized excavations below the water table occurred within interim unsaturated soil facilitated by dewatering activities. The basement foundation consisted of a 24-inch thick mat slab poured on top of backfill consisting of 2-foot to 5-foot structural concrete in the far northern portion and 48-inch thick mat slab poured on top native soil and/ backfill consisting of 1-foot of flowable fill across the remaining portions. The elevator bank foundation consisted of a 5-foot thick mat slab poured on top of a 4-inch thick layer of blue stone at the bottom of elevators bank. The rear yard consisted of 6-inch concrete

slab poured on top of flowable fill.

**Date of Voluntary**

**Cleanup Agreement:** June 13, 2014

**Notice Issuance**

This Notice of Completion, hereinafter referred to as the “Notice,” is issued pursuant to Chapter 9 of Title 24 of the Administrative Code of the City of New York.

This Notice has been issued upon satisfaction of the Director, following review by the Office of the Remedial Action Report and data submitted pursuant to the Voluntary Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth at Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the Remedial Action Work Plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

- Unrestricted Use
- Restricted Use:
  - Residential
  - Restricted Residential
  - Commercial
  - Industrial

**Liability Limitation**

Upon issuance of this Notice of Completion, and subject to the terms and conditions set forth herein, the Notice holder(s) shall be entitled to the liability limitation provided in Section 906 of Title 24 of the administrative code of the City of New York. The liability limitation shall run with the land, extending to the Notice holder’s successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in Section 906 of Title 24 of the administrative code of the City of New York, and any other applicable provision of law.

In accordance with a Memorandum of Agreement between the New York State Department of Environmental Conservation and the New York City Mayor’s Office of Environmental Remediation dated July 10, 2012, New York State Department of Environmental Conservation agrees that this site is of no further interest, and it does not plan or anticipate taking administrative or judicial action with regard to the property.

**Notice of Transferability**

This Notice may be transferred to the Notice holder’s successors or assigns upon transfer or sale of the Site as provided by section 906(c) of the administrative code of the City of New York.

**Notice Modification/Revocation**

This Notice of Completion may be modified or revoked by the Director following notice in accordance with Section 43-1408(f) of the Rules of the City of New York upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the City Voluntary Cleanup Agreement;
- (2) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Voluntary Site Cleanup Agreement were reached; or
- (3) there is good cause for such modification or revocation.

The Notice holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency isn't cured or a request for a hearing received within such 30-day period, the Notice shall be deemed modified or vacated on the 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: June 22, 2017  
Site No.: 14CVCP247M