



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB 220672715**

July 25, 2019

Re: 829-837 Tilden Street  
Bronx Block 4671, Lot 7 (Former 9, 10, 12)  
Hazardous Materials and Air Quality “E” Designation  
E-279: Williamsbridge/ Baychester Rezoning - CEQR 11DCP148X - 10/5/2011  
OER Project Number 19RH-A303X / 19CVCP096X

Dear Bronx 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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Zach Schreiber, Ph.D.  
Assistant Director

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

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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 July 2019 with Stipulation Letter dated July 1, 2019 and the Remedial Action Plan for Air Quality dated July 2019 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 July 21, 2019. There were no public comments.

**Project Description**

The development project involves the construction of a 6-story residential building with a partial basement in the southwestern lot area and a rear open parking area, at-grade in the northern lot area. The partial basement will consist of mechanical and utility rooms, a laundry room and a storage closet. The first floor of the building will consist of two residential units, a gym room, enclosed bicycle parking and open air car parking. Floors 2 through 6 will consist of 90 residential units. The new building will have a footprint of approximately 11,906 square feet, of which 7,431 square feet will consist of parking spaces on the ground floor. The partial basement will be approximately 3,901 square feet in area. The rear open space parking area will be 2,541 square feet. Due to variable surface elevations, the Site will be excavated to design grade for the new development from a benchmark point set at the southwestern curb elevation. For the layout of foundations of the partial basement, the southwestern area of the Site will be excavated to a depth of 10 feet or to an elevation of 91 feet asl. The partial basement slab will be 4 inches thick and will be placed on top of 4 inches of stone. The slab-on-grade for the first floor of the building and the rear open parking space will be 4-inch thick and will be placed at an elevation of 100 feet asl. The slab-on-grade will require an excavation to the depth 1 foot in the northwestern area of the Site, to the depth of 3 feet in the southeastern area and to the depth of 6 feet in the northeastern area. The new development will require the removal of approximately 2,964 cubic yards of soil.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation/Restrictive Declaration Program project known as “829-837 Tilden 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 829-837 Tilden Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

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, analytical results shall be submitted to NYCOER prior to the start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. The entire footprint of the building area (about 99% of the property) will be excavated to design grade for development purposes:
  - To a depth of 10 feet bgs beneath the western area for the excavation of partial basement slab (an elevation of 91 feet asl);
  - To a depth 15 feet and 8 inches in the southwestern area for the excavation of elevator pit (an elevation of 87 feet asl);
  - In order to meet design grade (an elevation of 100 feet asl) for the parking and slab-on-grade areas of the building, excavation to depths ranging from 1 foot in the northwestern area of the Site, 3 feet in the southeastern area and 6 feet in the northeastern area for the grading of remaining areas of site will be required.
  - Approximately 2,964 cubic yards or 4,446 tons 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 USTs that are 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.
10. 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. Appropriate segregation of excavated media on-Site.
11. Collection and analysis of four (4) end-point samples to determine the performance of the remedy with respect to the attainment of SCOs.
12. Import of materials to be used for backfilling and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. Construction and maintenance of an engineered composite cover consisting of a 4-inch thick concrete slab beneath the building and parking area across the Site to prevent human exposure to residual soil/fill remaining under the Site.
14. Installation of a vapor barrier system consisting of a minimum 20-mil vapor barrier system beneath the partial basement slab and along foundation sidewalls to grade of the partial basement to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil Grace Preprufe® 200 membrane installed beneath the partial basement slab and Grace 32-mil Preprufe® 160R/ 59-mil Grace Bituthene® 3000 on the exterior sides of the subgrade walls to grade in the partial basement. Grace liquid bituthene 1" fillet will be applied at the intersections and cross-sections of foundation walls. 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. Performance of all activities required for the remedial action, including the acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.

16. 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 pre-treatment requirements prior to discharge to the sewer system.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
19. 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.
20. 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.

**Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 829-837 Tilden Street site are as follows:

1. In order to satisfy the requirements of E-279, natural gas will be utilized at the site.

The remedies for Hazardous Materials, Air Quality E Designation Air Quality Restrictive Declaration 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.

7/25/2019



Date

Samantha Catalanotto  
Project Manager

7/25/2019



Date

Zach Schreiber, Ph.D.  
Assistant Director

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