



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

February 9, 2018

Mr. Marty Millman  
HY 38 Owner, LLC and HY 39 Owner, LLC  
888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10106

Re: Notice of Completion  
509 West 38<sup>th</sup> Street/512 West 39<sup>th</sup> Street, Manhattan, NY  
OER Site Number: 15CVCP009M

Dear Mr. Millman:

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. Project briefings were held with NYSDEC in July 2014. Please find the Notice of Completion attached, the issuance date of which is February 9, 2018. Congratulations!

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

Sincerely,

Shaminder Chawla  
Deputy Director



**Daniel Walsh, Ph.D.**  
**Director**  
Tel: (212) 788-8841

**NOTICE OF COMPLETION**

**Notice Holder(s):** Mr. Marty Millman  
HY 38 Owner, LLC and HY 39 Owner, LLC  
888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10106

**Site Information:** Site Name: 509 West 38<sup>th</sup> Street/512 West 39<sup>th</sup> Street  
Site Owner: HY 38 Owner, LLC and HY 39 Owner, LLC  
Street Address: 509 West 38<sup>th</sup> Street and 512 West 39<sup>th</sup> Street, Manhattan, NY  
Block 710, Lot 22 (previously Lots 22 and 42)  
OER Site Number: 15CVCP009M

**Project Description:** The Site previously consisted of undeveloped land and a one-story commercial building used for storage. Redevelopment of the Site consisted of the construction of a new 30-story mixed-use residential/commercial building with a partial cellar. Approximately 8,410 tons of soil was excavated and disposed of off-site. Remediation of this Site included installation of an engineered composite cover system a waterproofing/vapor barrier system, and an active sub-slab depressurization system, all of which will be inspected and certified under a Site Management Plan. Project briefings were held with NYSDEC in July 2014.

**Date of Voluntary  
Cleanup Agreement:** November 7, 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 (Track 4):
  - Residential
  - Restricted Residential
  - Commercial

### **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: February 9, 2018  
Site No.: 15CVCP009M