



**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 321595387**

March 20, 2020

Re: 886 Broadway  
Brooklyn Block 1582, Lot 15 - Tentative, 25 - Former  
Hazardous Materials, Air Quality, and Noise “E” Designation  
E-285: Bedford Stuyvesant North Rezoning - CEQR 12DCP156Y - 10/11/2012  
OER Project Number 20EHAN118K / 20CVCP067K

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, Noise remedial action 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 Kestana Anokye at 212-788-8841.

Sincerely,

Maurizio Bertini  
Assistant Director

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

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Hazardous Materials, Air Quality, Noise E Designation  
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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 February 2020 [with Stipulation Letter dated March 2020 and the Remedial Action Plan for Air Quality and Noise dated March 2020 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on 11/20/2019. There were no public comments.

**Project Description**

The site is proposed to be developed with a new 7-story commercial building, with a full basement. The building will occupy the entire site footprint, with setbacks above the 4th and 6th floor levels, and have a total area of 70,671 gross square feet. The building will include 27,788 SF of retail space on the basement and first floor, and 42,882 SF of office space on the basement through 7th floor. The basement level will also contain various utility rooms. Elevator and stair penthouses will be above the 7th floor, with an emergency generator also to be located on the 7th floor roof.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “886 BROADWAY” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter I 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 886 Broadway 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 Site Specific Track 4 Soil Cleanup Objectives (SCOs);
4. 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 and analytical results shall be submitted to NYCOER prior to

- start of Remedial Action;
5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
  6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the entire Site will be excavated to a minimum of 5 feet. The area within the cellar footprint will then be excavated to the depths of 12 and 17 feet (approximate elevation of 51') below the existing grade, with an additional 5 feet of soil excavated to accommodate the elevator pit. Areas outside of the cellar footprint will be sloped to shoring or the final excavation depth. Therefore, an estimated 5,700 cubic yards (8,551 tons) of soil will require excavation for the new building's cellar. Soil will be properly disposed of 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, if 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 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 seven end-point samples to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. Endpoint samples would be analyzed for SVOCs, and TAL metals. If Track 1 SCOs are proposed following completion of excavation, then the end point samples would be analyzed for VOCs, SVOCs, PCBs, pesticides and metals;
  12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
  13. Three post-excavation soil vapor samples will be collected after excavation in the area of sample SV-1 (collected during the Remedial Investigation) to determine whether or not an active or passive sub-slab depressurization system will be required beneath the footprint of the building to mitigate soil vapor contamination at the Site;
  14. An active or passive sub-slab depressurization system (SSDS) consisting of three loops of horizontal pipe set in the middle of a gas permeable layer will be installed immediately beneath the buildings cellar slab and vapor barrier system. If the building slab intersects groundwater, installation of the SSDS will be re-evaluated with OER. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe connected to a 6-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 minimum 6-inch thick layer of 3/4-inch blue stone. The pipe will be finished at the roof line with a 6-inch goose neck/rain cap to prevent rain infiltration. If an active system is installed, the SSDS will be hardwired and will include a blower installed on the roof line and a pressure gauge and alarm located in an accessible area in the cellar. The 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;
  15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab, elevator pit and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system installed below the slab throughout the building area, below/around the elevator pit and outside all sub-grade foundation sidewalls to grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. If Stego Industries® Stego® Wrap 20-mil Vapor Barrier is not available then one of the follow vapor barriers will be installed: Raven Industries Vaporblock® Plus™ VBP20, Americover Builds Vaporblock® Plus™, Husky Yellow Guard, Grace Industries Preprufe 300R & 160R. 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 an engineered composite cover consisting of a 4-inch thick concrete cellar slab under the footprint of the new building and 4-inch concrete slab for the areas outside of the building footprint;
  17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
  18. Performance of all activities required for the Remedial Action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
  19. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (RAP) 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 Remedial Action Report (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;
  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 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; (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; and
  22. If required, a deed restriction will be placed on the property to document the installation and continued operation of an active SSDS.

#### **Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 886 Broadway site are as follows:

In order to satisfy the requirements of the E-designation, natural gas and electric equipment will be utilized at the site for space heating, hot water, or HVAC systems.

Heating and cooling will be primarily provided by 38 natural gas-fired furnaces manufactured by Trane (Models S8X1B060M3 and S8X1C100M5) and Trane condensing units (Models 4TTR4037L1 and 4TTR4060L1) manufactured by Trane. These units will provide fresh air to the cellar and accessory storage spaces (HVAC units F-C.1 through F-C.5), the 1<sup>st</sup> floor retail spaces and lobby (HVAC units F-1.1 through F-1.7) and the office spaces on the upper floors (two, four or six units per floor). The boilers have heating capacities of 48 and 80 MBH, respectively and the condensers have a cooling capacity of 35 and MBH, respectively. In addition, the 1<sup>st</sup> floor public corridor is provided one 2 x 2 Ceiling-mounted Cassette unit manufactured by Daikin (Model FXZQ12MVJU) with a roof-mounted condenser CU-COR (Model RXSQ24TAVJU) and the IT rooms and elevator mechanical rooms are cooled via wall-mounted air conditioning units manufactured by Daikin (Model FXAQ12PVJU) with roof-mounted condensers (Model RXSQ24TAVJU).

Hot water supply in all restrooms on each floor will be provided by an instantaneous electric water heater manufactured by EEMAX (Model EX55TML).

#### **Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 886 Broadway site are as follows:

The following windows and doors will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Broadway Façade, 3 <sup>rd</sup> Floor (W-04a and W-6a)  Commercial Space	33	ASTM E-90 Lab Test Report; Data File No. J5841.01-113-11-R1; Option J5841.01F	Intus Windows; Supera Awning AW Window; Aluminum	1-3/16" IG (1/4" annealed exterior, 5/8" argon, 5/16" annealed interior)
Broadway Façade, 1 <sup>st</sup> through 7 <sup>th</sup> Floors (W-01, W-01a, W-01c, W-01e, W-01i, W-01rr, W-02, W-02a, W-02b, W-03, W-03b, W-04, W-05, W-06, W-06b, W-06C, W-06e, W-7, W-8, W-9, W-10, W-11, W-12, W-13 and W-14)  Commercial Space	38	ASTM E-90 Lab Test Report; Data File No. J4756.01-113-11-R0; Option J4756.01E	Vistaza, Inc.; V16 Series Fixed Window; Aluminum	1-5/16" IG (3/8" annealed exterior, 1/2" argon, 1/4" annealed center, 1/2" argon, 5/16" laminated interior)
Broadway Façade, 4 <sup>th</sup> through 7 <sup>th</sup> Floors (W-01b, W-01e, W-03a, W-03c, and W-13a)  Commercial Space	33	ASTM E-90 Lab Test Report; Data File No. I6989.01-113-11-R1; Option I6989.01I	Intus Windows; Supera Casement CW Window; Aluminum	1-11/32" IG (3/8" annealed exterior, 21/32" argon, 5/16" annealed interior)
Broadway Façade, 1 <sup>st</sup> Floor (W-08a and W-12a)  Commercial Space	38	ASTM E-90 Lab Test Report; Data File No. J4760.01-113-11-R0; Option J4756.01H	Vistaza, Inc.; V16 Series Patio Door Aluminum	1-1/2" IG (3/8" laminated exterior, 13/16" argon, 5/16" laminated interior)
Broadway Façade, 2 <sup>nd</sup> Floor (W-05a and W-06c)  Commercial Space	37	ASTM E-90 Lab Test Report; Data File No. J5841.01-113-11-R1; Option J5841.01N	Intus Windows; Supera Awning AW Window; Aluminum	1-1/2" IG (5/16" laminated SR exterior, 13/16" argon, 3/8" annealed interior)

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
<p>Broadway Façade, 5<sup>th</sup> and 7<sup>th</sup> Floors (W-01f, W-01k, and W-14a)</p> <p>Commercial Space</p>	34	ASTM E-90 Lab Test Report; Data File No. J4760.01-113-11-R0; Option J4756.01B	Vistaza, Inc.; V16 Series Patio Door Aluminum	1-1/4" IG (5/16" annealed exterior, 5/8" argon, 3/8" annealed interior)
<p>Stockton Street Façade, 2<sup>nd</sup> Floor (W-20)</p> <p>Commercial Space</p>	29	ASTM E-90 Lab Test Report; Data File No. J5841.01-113-11-R1; Option J5841.01E	Intus Windows; Supera Awning AW Window; Aluminum	1" IG (1/4" annealed exterior, 1/2" argon, 1/4" annealed d interior)
<p>Stockton Street Façade, 1<sup>st</sup> and 5<sup>th</sup> Floors (W-18a and W-22a)</p> <p>North-East Elevation, 3<sup>rd</sup> through 6<sup>th</sup> Floors (W-27, W-28, and W-29)</p> <p>North-West Elevation, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Floors (W-25b and W-26b)</p> <p>West Elevation, 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> Floors (W-30a)</p> <p>Commercial Space</p>	28	ASTM E-90 Lab Test Report; Data File No. J4760.01-113-11-R0; Option J4756.01A	Vistaza, Inc.; V16 Series Patio Door Aluminum	15/16" IG (5/32" annealed exterior, 5/8" argon, 5/32" annealed interior)
<p>Stockton Street Façade, 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Floors (W-15a and 19a)</p> <p>North-East Elevation, 3<sup>rd</sup> through 6<sup>th</sup> Floors (W-27a, W-27c, W-28a, W-28c, W-29a, and W-29d)</p>	29	ASTM E-90 Lab Test Report; Data File No. I6989.01-113-11-R1; Option I6989.01A2	Intus Windows; Supera Casement CW Window; Aluminum	1" IG (5/32" annealed exterior, 19/32" argon, 1/4" annealed d interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
<p>North-West Elevation, 2<sup>nd</sup> through 7<sup>th</sup> Floors (W-24a, W-24b, W-24c, W-25a, W-25c, W-26a, W-26c, W-32a, W32b and W-32c)</p> <p>West Elevation, 5<sup>th</sup> and 7<sup>th</sup> Floors (W-31a)</p> <p>Commercial Space</p>				
<p>Stockton Street Façade, 1<sup>st</sup> through 7<sup>th</sup> Floors (W-15, W15b, W-16, W-16a, W-17, W-18, W-19, W-19b, W-20a, W-21, W-22 and W-23)</p> <p>North-East Elevation, 3<sup>rd</sup> through 7<sup>th</sup> Floors (W-27b, W-28c, W-29b, and W-29c)</p> <p>North-West Elevation, 2<sup>nd</sup> through 7<sup>th</sup> Floors (W-24, W-25, W-26, and W32)</p> <p>West Elevation, 5<sup>th</sup> and 7<sup>th</sup> Floors (W-30 and W31)</p> <p>Commercial Space</p>	29	ASTM E-90 Lab Test Report; Data File No. I69888.01-113-11-R0; Option I6988.01A	Intus Windows; Supera Fixed CW/AW Fixed Window; Aluminum	1" IG (5/32" annealed exterior, 19/32" argon, 1/4" annealed interior)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. Color-coded elevations and the labeled window schedule attached in Appendix A shows the locations of the window/ door types. Test reports are included in Appendix G. Window and door manufacture cut sheets are included in Appendix J.

### 3.3 Alternate Means of Ventilation

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. **Cellar, storage, retail and office space:** Installing gas-fired furnaces (Models S8X1B060M3 and S8X1C100M5) and Trane condensing units (Models 4TTR4037L1 and 4TTR4060L1) manufactured by Trane. These units will provide fresh air to the cellar and accessory storage spaces (HVAC units F-C.1 through F-C.5), the 1<sup>st</sup> floor retail spaces and lobby (HVAC units F-1.1 through F-1.7) and the office spaces on the upper floors (two, four or six units per floor). All furnaces are equipped with 150 cubic feet per minute (CFM) fresh air intake (FAI) louvers to satisfy the AMV requirements.
2. **Common Areas:** Installing one 2 x 2 Ceiling-mounted Cassette unit manufactured by Daikin (Model FXZQ12MVJU) with a roof-mounted condenser CU-COR (Model RXSQ24TAVJU) will meet AMV requirements for the 1<sup>st</sup> floor public corridor.

Installing a wall-mounted air conditioner (AH-IT) manufactured by Daikin (Model FXAQ12PVJU) with a roof-mounted condenser CU-IT (Model RXSQ24TAVJU) will meet AMV requirements for the IT room.

Installing wall-mounted air conditioners (AH-EMR-1 through AH-EMR-3) manufactured by Daikin (Model FXAQ12PVJU) with a roof-mounted condenser CU-EMR-1 through CU-EMR1 through 3 (Model RXSQ24TAVJU) will meet AMV requirements for the elevator mechanical rooms.

Installing an energy recovery ventilator (ERV-1) manufactured by Renewaite model number EV450IN will meet AMV requirements for the cellar public corridor.

3. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, 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.

3/20/2020

Date



Kestana Anokye  
Project Manager

3/20/2020

Date



Maurizio Bertini  
Assistant Director

*Shaminder Chawla*

3/20/2020

Date

Shaminder Chawla  
Deputy Director

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