



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number X00587608-11

September 19, 2024

Re: 451-457 East 166 Street, 1091-1103 Washington Avenue
Bronx Block 2388, Lots 64, 67, 68, 69
Hazardous Materials “E” Designation
E-118: Morrisania Rezoning - CEQR 03DCP046X - 8/19/2003
OER Project Number 24EHAZ270X / 25CVCP006X

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 Subchapter 7 of Chapter 14 of Title 43 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 that is 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 §43-1474 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 Yolanda Chow at 212-788-7423.

Sincerely,

Shaminder Chawla
Acting 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 September 2024 with the Stipulation Letter dated September 2024 for the above-referenced project.

The Plan was 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 10/09/2024. There were no public comments.

Project Description

The Site will be redeveloped with a new 10-story residential slab-on-grade apartment building with a parking garage containing two car parking stackers on the western portion of the first floor occupying approximately 10,400 ft² ; of the building footprint. The building does not have a proposed cellar level as part of this redevelopment; however, the car parking stackers are approximately 9 ft below grade. The new building will have 150 ft of street frontage along East 166th Street and 101.83 feet of street frontage along Washington Avenue.

The western 113 ft of the building will be occupied by the 10,400 ft² parking garage area. The remaining portion of the first floor will consist of nine studio apartments, an elevator, staircases, refuse room, trash compactor room, and residential lobby corridor. The 2nd through 10th floors will consist of residential apartments, elevators, refuse rooms, and staircases. Excavation to a depth of 6-inches below sidewalk grade will be required for the first floor at-grade building slab and excavation to 2.5 ft below sidewalk grade will be required for the at-grade parking slab. Additional excavation to 4 ft below sidewalk grade will be performed for footings, grade beams, and additional foundation elements. The elevator pit will be excavated to 5 ft below sidewalk grade and excavation to 10 ft below sidewalk grade will be required for the lower parking stackers with additional excavation to 11 ft for the parking stacker footings and grade beams. Approximately 2,320 cubic yards or 3,712 tons of soil will be excavated for the new building.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1091-1103 Washington 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

The remedial action selected for the 1091-1103 Washington 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. A Waste Characterization Report documenting sample procedures, location, 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. The new building footprint will be excavated to a depth of 6-inches below sidewalk grade for the first floor at-grade building slab and excavation to 2.5 ft below sidewalk grade for the at grade parking slab. Additional excavation to 4 ft below sidewalk grade will be performed for footings, grade beams, and additional foundation elements. The elevator pit will be excavated to 5 ft below sidewalk grade. Excavation to 10 ft below sidewalk grade will be required for the lower parking stackers with additional excavation to 11 ft for the parking stacker footings and grade beams. The 5 X 5 S2A/S2B barium hotspot will be excavated to a depth of 9 ft below grade. An estimated 2,330 cubic yards (3,730 tons) of soil/fill will be removed from the Site and 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 underground storage tanks (UST's) 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 site-wide end-point samples (EP1 - EP7) across the Site to determine the performance of the remedy with respect to attainment of SCOs;
 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. Construction of an engineered composite cover consisting of: First Floor Building/First Floor Parking and Parking Stacker Slabs: 6-inch-thick concrete slab underlain with Raven Industries VaporBlock Plus®; Series (VBP20) 20-mil vapor barrier system underlain by a 6-inch layer of ASTM 5 (1" stone) with SSDS pipe underlain by imported soil and residual soil;
 14. Installation of a vapor barrier system beneath the at-grade building and parking slabs, below the parking stacker slabs and behind the foundation walls, and below/around the elevator pits. The vapor barrier system will consist of Raven Industries VaporBlock Plus®; Series (VBP20) 20-mil vapor barrier system, or OER-approved equivalent system. 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. Installation of an active sub-slab depressurization system (SSDS). The active SSDS will consist of six zones installed below the at-grade building slab. The SSDS zones will consist of a horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated 4-inch PVC pipe connected to 6-inch cast iron riser pipes that penetrate the slab and travels through the building to the roof. Each loop will have its own riser. The gas permeable layer will consist of a 6-inch layer of ASTM 5. The SSDS will be hardwired and will include RadonAway RP265 blowers installed above the roof line and a separate set of a pressure gauges and alarms installed in a protective case located in an accessible area in the building. A total of twelve permanent monitoring points will be installed. The SSDS exhaust location will be located on the roof level and will be 10 feet from any operable window, operable doors, intakes or operable hatches. 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 gs permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building;

16. A soil vapor intrusion study will be conducted for the site after the building is completed. Installation of twelve (12) permanent monitoring sampling ports within the slab will be utilized to perform a post construction soil vapor intrusion study which will consist of the collection of five sub-slab soil gas samples, three indoor air samples and one outdoor air sample;
17. 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;
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
19. 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;
20. 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;
21. Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and Institutional Controls 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;
22. The property will continue to be registered with an E-Designation at the NYC Buildings Department.

The remedies for Hazardous Materials 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.

9/19/2024



Date

Yolanda Chow
Project Manager

9/19/2024



Date

Shaminder Chawla
Acting Director

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