OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director
Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB B00614702

March 1, 2022

Re: 121-123 Grand Street: 228-230 Berry Street, 234 Berry Street, 118 North 1st Street, 121-123 Grand Street
Brooklyn Block 2379, Lots 24, 27, 29
Hazardous Materials and Noise "E" Designation
E-138: Greenpoint - Williamsburg Rezoning - CEQR 04DCP003K HazMat - 5/11/2005
OER Project Number 18EH-N460K / 22CVCP029K

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 and Noise 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 Anna Brooks at 212-788-7423.

Sincerely,

Maurizio Bertini
Assistant Director

cc: Hershy Silberstein, Blue Sky Builder - hershy@blueskybuilder.net
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DECISION DOCUMENT
NYC VCP and E-Designation
Remedial Action Work Plan Approval

March 1, 2022

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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 December 2021 with Stipulation Letter dated January 2022 and the Remedial Action Plan for Noise dated February 2022 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 01/23/2022. There were no public comments. NYSDEC was briefed on this project on 10/21/2021.

Project Description
The proposed future use of the Site will consist of a new eight-story mixed-use residential and commercial building with a cellar and a parking area. The cellar will contain commercial spaces and utility rooms. The first floor will have a commercial area, a residential lobby, a recreational room and a ramp for the parking area, which is located on the second floor. Floors 3 through 8 will contain residential units. The proposed building will occupy the entire lot. No landscaped areas are proposed. There will be a total of 52 dwelling units. The proposed construction will require excavation to approximately 12 feet below grade surface (bgs) for the building cellar and foundations; additional excavation will be required for the elevator pit locations. Approximately 1,825 cubic yards of material will be excavated for development.

Statement of Purpose and Basis
This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "121-123 Grand 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 121-123 Grand Street 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(s).
6. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs.
7. The entire footprint of the building will be excavated to a depth of approximately 12 feet below grade for development purposes. A small portion of property will be excavated to the depths of 17 feet below grade for elevator pit(s).
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
9. 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.
10. Removal of all USTs that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with USTs and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
11. 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.
12. Collection and analysis of five confirmation end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Construction of an engineered composite cover consisting of a 5-inch-thick concrete building slab with a 6-inch clean granular sub-base beneath all building areas.
15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of a Stego Wrap 20-mil vapor barrier or approved equal with a minimum thickness of 20-mil, below the slab throughout the full building area in elevator pit(s), 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. 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. 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.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Submission of a 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.
19. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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 Noise

The elements of the remedial action selected for Noise for the 121-123 Grand Street site are as follows:

In order to meet the requirements of the E-Designation and MX-8 Greenpoint-Williamsburg Special Mixed Use District, the following window/wall attenuation requirement will be achieved at the locations described below:

1. Minimum 30 dBA for all façades on Lots 27 and 29 (South façade, North courtyard façade, and southern portions of East and West façades); and,
2. Minimum 35 dBA for all facades on Lot 24 (North façade, South courtyard façade, and northern portions of East and West façades).

The following windows will be installed:

Façade Floor Range	**OITC Rating**	**OITC Certification**	**Manufacturer and Model**	**Glazing**
South and East Façades and North Courtyard Façade, Floors 3-8 West Façade, Floors 7 and 8	31	ASTM E-90 Lab Test Report No. L1561.01-113-11-R0, Option B	Zephyr Windows Inc., Model No. Super 82 (Tilt Turn Window)	4 mm annealed exterior – 16 mm argon – 6 mm annealed interior
North Façade and South Courtyard Façade, Floors 3-8 East Façade, Floors 3-7	38	ASTM E-90 Lab Test Report No. J2954.01-113-11-R0, Option D3	Zephyr Windows Inc., Model No. Super 82 (Tilt Turn Window)	8 mm laminated exterior – 20 mm argon – 4 mm annealed interior
North, South, and East Façades and North and South Courtyard Façade, Floors 3-8 West Façade, Floors 3-8 and Roof	36	ASTM E-90 Lab Test Report No. J2953.01-113-11-R0, Option B1	Zephyr Windows Inc., Model No. Super 82 (Fixed Window)	10 mm annealed exterior – 16 mm argon – 8 mm laminated interior
South Façade, Floors 3-4 and 6-8 East Façade, Floors 3-5 and 7-8 West Façade, Floors 3, 5, and 6 North Courtyard Façade, Floors 3-8	31	ASTM E-90 Lab Test Report No. J2951.01-113-11-R0, Option B	Zephyr Windows Inc., Model No. Super 82 (Balcony Door)	8 mm laminated exterior – 20 mm argon – 4 mm annealed interior
North Façade, Floors 3, 4, 6, and 8 East Façade and South Courtyard Façade, Floors 3-8 West Façade, Floor 5	35	ASTM E-90 Lab Test Report No. J2951.01-113-11-R0, Option C	Zephyr Windows Inc., Model No. Super 82 (Balcony Door)	8 mm laminated exterior – 20 mm argon – 6 mm annealed interior

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
South and East Façades, Floor 1	30	ASTM E-90 Lab Test Report No. J5757.01-113-11-R0, Option J5757.01C and letter from Zephyr Windows, Inc.	Zephyr Windows Inc., Model No. Alu 86 (Fixed Window)	8 mm laminated exterior – 16 mm air space – 4 mm annealed interior
North and East Façades, Floor 1	36	ASTM E-90 Lab Test Report No. J3213.01-113-11-R0, Option B and letter from Zephyr Windows, Inc.	Zephyr Windows Inc., Model No. Alu 86 (Fixed Window)	10 mm annealed exterior – 20 mm argon – 8 mm laminated interior

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. Trickle Vents: Installing Model EXR trickle vents manufactured by Higro in all bedrooms and living rooms on floors 3 through 8. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Floor plans showing the locations of trickle vents are included in Appendix H. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by electric operated heat pump systems that consist of indoor wall mounted air handling units and outside condensing units with thermostats in each dwelling unit. Manufacturer specifications for the trickle vents are included as Appendix G.
2. 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, 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.

3/1/2022 _____ Anna Brooks
Date Project Manager

3/1/2022 _____ Maurizio Bertini
Date Assistant Director

3/1/2022 _____ Shaminder Chawla
Date Deputy Director

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