



**OFFICE OF ENVIRONMENTAL REMEDIATION**

253 Broadway - 14th Floor  
New York, New York 10007

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

Tel: (212) 788-8841  
Fax: (212) 788-2941

**NOTICE TO PROCEED**

October 13, 2010

Derek Lee, R.A.  
Manhattan Borough Commissioner  
NYC Department of Buildings  
280 Broadway, 3rd Floor  
New York, NY 10007

Re: **330 West 39<sup>th</sup> Street - Hazardous Materials, Air Quality and Noise "E" Designation**  
**E-137: Block 762, P/O Lot 60, Manhattan CD 4**  
**Hudson Yards Rezoning - CEQR # 03 DCP 031M**  
**OER Project # 10EHAN233M**

Dear Commissioner Lee:

The New York City Office of Environmental Remediation (OER) has reviewed the September 2010 Phase II Subsurface Investigation Report, Remedial Action Plan (RAP), and site-specific Construction Health and Safety Plan (CHASP) prepared by CNS Management Corp and the September 2010 Technical Report for Air Quality prepared by AKRF for the above-referenced project. It is our understanding that the applicant is proposing the construction of a new 80/20 rental apartment building. The building consists of a single structure containing 249,569 square feet of gross floor area with approximately 221,068 square feet of 199 rentable residential apartment units and 28,501 square feet of below-grade parking. Excavation for the proposed project will be approximately 28 feet below existing grade surface and totaling approximately 13,189 cubic yards of excavated material. The site is currently occupied by an asphalt parking lot, one-story parking booth, and one-story commercial building with parking above and a basement. An "E" designation for Hazardous Materials, Air Quality and Noise (E-137) was placed on the subject parcel by the NYC Department of City Planning as part of the Hudson Yards Rezoning action (CEQR # 03 DCP 031M).

**Hazardous Material "E"**

OER has determined that the September 2010 RAP/CHASP prepared by CNS Management Corp for the proposed project is acceptable. Upon completion of construction, a P.E. certified Remedial Closure Report documenting proof of removal/disposal of all excavated soil/fill from the site in accordance with all applicable federal, state, and local regulations; all transportation manifests and disposal/recycling certificates; proper closure of any known/suspect ASTs/USTs in accordance with all applicable federal, state, and local regulations; proper removal and disposal of any waste found in any known/suspect ASTs/USTs in accordance with all applicable federal, state, and local regulations; proper installation of a Grace Preprufe 300R 46-mil and 160R 32-mil waterproofing/vapor barrier beneath all foundation slabs and footings as well as vertically along all foundation walls; DEP dewatering permit if applicable, and capping of grade-level open space landscaped/grass covered areas with two feet of OER approved clean fill/top soil that has been sampled at a frequency of every 250 cubic yards and meets NYSDEC Part 375

Unrestricted criteria. At a minimum, OER requests the installation of a 20-mil vapor barrier for the foundation system.

### **Air Quality “E”**

OER has determined that the October 2010 letter prepared by IM Robbins PC certifying that natural gas will be used for all boilers, water heaters, and the backup generator as well as the certified natural gas line drawings are acceptable. As the applicant has not committed to specific models yet, the applicant understands that they must contact OER before approving the final bid on the PTACs, hybrid heat pumps, and trickle vents to ensure that the purchased items are in compliance.

### **Noise “E”**

OER has determined that the September 2010 Acoustical Report and supporting letters and documentation are acceptable. In order to meet the minimum window/wall noise attenuation OITC rating, the applicant has committed to installing 1” insulated glass windows ( $\frac{1}{4}$ ” glass,  $\frac{1}{2}$ ” air space,  $\frac{1}{4}$ ” glass) with an OITC rating of 29 on 39<sup>th</sup> Street.

In order to meet the alternate means of ventilation requirements, the applicant has committed to installing PTAC units able to provide fresh to interior living spaces or Hybrid Heat Pumps in combination with trickle vents. As the applicant has not committed to specific models yet, the applicant understands that they must contact OER before approving the final bid on the PTACs, hybrid heat pumps, and trickle vents to ensure that the purchased items are in compliance.

### **Conclusion**

OER finds the proposed RAP and CHASP, fuel type for HVAC systems (natural gas), the window/wall attenuation and alternate means of ventilation acceptable and has concluded that the applicant may proceed with construction, provided that a P.E./R.A. certified Remedial Closure Report and Window/HVAC Installation Report (including alternate means of ventilation) be submitted by the applicant to OER for review and approval at the conclusion of construction activities. No other permits (i.e., Certificate of Occupancy) should be issued by the NYC Department of Buildings (DOB) until OER has reviewed and approved the certified Remedial Closure and Installation Reports and issued a “Notice of Satisfaction” for the proposed project.

If you have any questions or comments, please feel free to contact Holly Hester-Reilly at 212.341-0659.

Sincerely,



Daniel L. Cole, P.G.  
Bureau Chief, E - Designation Program

cc: D. Walsh, S. Chawla, M. Bertini, H. Hester-Reilly, PMA-OER  
Charlie Powers, CNS Management Corp - [CPowers@cnsmanagement.net](mailto:CPowers@cnsmanagement.net)

Benjamin Sachwald, AKRF - [BSachwald@akrf.com](mailto:BSachwald@akrf.com)  
Jennifer Cheuk, SBJ Group - [jcheuk@sbjgroup.com](mailto:jcheuk@sbjgroup.com)  
Charles Dorego, Glenwood - [cdorego@glenwoodnyc.com](mailto:cdorego@glenwoodnyc.com)

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