



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

Tel: (212) 788-8841

**DECISION DOCUMENT**

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

June 4, 2021

Re: 400 West 219th Street  
Manhattan Block 2214, Lots 24  
Hazardous Materials, Noise E Designation ,  
E-459: Inwood Rezoning Proposal - CEQR 17DME007M - 8/8/2018  
OER Project Number 21EH-N132M / 21CVCP047M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated April 2021 with Stipulation Letter dated May 24, 2021 and the Remedial Action Plan for Noise dated April 2021 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 05/26/2021. There were no public comments.

**Project Description**

The proposed future use of the Site is anticipated to include demolition of the existing structure and construction of a new 6-story building, which will encompass the entire 20,000-sf footprint of the Site. The proposed development will be constructed at-grade. Site-wide excavation for building foundation elements (elevator pits, foundation pile caps and grade beams, a water detention tank, etc.) and contaminant source removal will extend to between approximately 2 and 15 feet below grade. The excavated materials disposal volume is expected to be approximately 600 cubic yards (900 tons). Excavation for foundation construction is not expected to encounter the groundwater table, though excavation for contaminant source removal may extend to the groundwater table in select areas. Site-wide dewatering is not expected to be necessary during redevelopment.

The proposed approximately 92,000-gross-sf building will be operated as a charter school and will include a lobby, kitchen, student dining, classrooms, offices, and mechanical/storage rooms on the ground floor; classrooms, restrooms, a gym, offices, storage, and an outdoor roof play area on the second floor; classrooms, restrooms, offices, and storage on the third through sixth floors; and mechanical/storage spaces and an outdoor play area on the roof. The current zoning designation is C6-2 (commercial) in the special Inwood District. The proposed end use is consistent with existing zoning for the Site. The RA contemplated under this RAWP may be implemented independently of the proposed redevelopment plan.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “400 West 219<sup>th</sup> 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 400 West 219<sup>th</sup> Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

## Summary of Preferred Remedial Action

The proposed RA will consist of the following:

1. Preparation of a Community Protection Statement and performance of all required New York City Voluntary Cleanup Program (VCP) Citizen Participation activities according to an approved Citizen Participation Plan (CPP);
2. Implementation of a Community Air Monitoring Plan (CAMP) for particulates and VOCs;
3. Selection of Site-specific (Track 4) SCOs;
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking and 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 the disposal facility(ies);
6. Excavation and removal of soil/fill exceeding Site-specific (Track 4) SCOs. The proposed development will be constructed at-grade; however, Site-wide excavation for building foundation elements (elevator pits, foundation pile caps and grade beams, a water detention tank, etc.) will extend to between approximately 2 and 6 feet below grade. In addition, excavation up to 15 feet below existing grade to remove contaminant source material will occur in two approximately 100-sf areas (SA-1 and SA-2) in the northwestern and southern portions of the Site. Based on proposed excavation depths, approximately 600 cubic yards (900 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 photoionization detector (PID). Appropriate segregation of excavated media on-Site;
8. Management of excavated materials, including temporarily stockpiling and segregating in accordance with defined material types to prevent co-mingling of contaminated material and non-contaminated materials;
9. Removal of two known ASTs, and all USTs that are encountered during soil/fill removal actions, including the registration of tanks and reporting of any additional petroleum spills associated with USTs; and appropriate closure of NYSDEC Spill Number 2009841 and any additional petroleum spills in compliance with applicable local, city, state, and federal laws and regulations;
10. 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 will also be performed, as required by disposal facilities;
11. Collection and analysis of 6 confirmation end-point samples, and at least 10 contaminant source area end-point samples, to determine the performance of the remedy with respect to attainment of Sitespecific (Track 4) SCOs. End-point samples for spill close-out will be obtained per DER-10;
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. Implementation of a groundwater treatment program consisting of a one-time application and mechanical mixing of Regenesys ORC to the groundwater in contaminant source areas SA-1 and SA2;
14. Installation of three permanent groundwater monitoring wells, and collection of post-remedial groundwater samples to assess the effectiveness of the groundwater treatment program.
15. Spill closure and any associated remediation will be managed under NYSDEC authority for Spill 20- 09841. Additional spill remedial requirements will be dictated by NYSDEC.
16. This RAWP does not alter or interfere with the remedial action for the petroleum spill. A separate Spill closure report will be submitted to NYSDEC, unless otherwise advised;

17. Installation of an engineered composite cover consisting of a minimum 6-inch-thick concrete building slab across the Site;
18. Installation of a waterproofing/vapor barrier beneath the at-grade building slab and along subgrade structures to grade to mitigate the potential for soil vapor migration into the building. The vapor barrier system will consist of a combination of 20-mil (0.02-inch-thick) VaporBlock Plus beneath the at-grade slab and E.Pro e.base 205, 60-mil (0.06-inch-thick) e.spray, and e.shield 205 used in combination outside all sub-grade structures (pile caps, elevator pits, detention tanks, etc.), or equivalent products. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration;
19. Installation of an active sub-slab depressurization system (SSDS) below the at-grade building slab to prevent vapor migration into the building. The SSDS will include a network of schedule 40 4-inch-diameter slotted polyvinyl chloride (PVC) horizontal pipes set within a minimum 6-inch-thick gas permeable aggregate continuous layer installed immediately beneath the concrete building slab and vapor barrier. The slotted horizontal piping will transition to solid PVC piping, which will be manifolded together after the piping penetrates the slab on the first floor. Above the manifold, the piping will transition to a 6- or 8-inch diameter galvanized steel pipe that will continue as one riser to the roof. A fan will be installed on the roof to create a vacuum in the gas permeable layer drawing vapor to an exhaust stack. An alarm will be located in the building management/janitorial office. Four monitoring points will be installed within the at-grade slab at locations across the building. The active SSDS is an Engineering Control for the remedial action. The remedial Professional Engineer (P.E.) will certify in the Remedial Action Report (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. Indoor air testing will be performed once the sub-slab depressurization system (SSDS) is commissioned and found to be operating as designed;
20. Performance of all activities required for the RA, including acquisition of required permits and attainment of sewer discharge pretreatment requirements, in compliance with applicable laws and regulations;
21. If dewatering is necessary, it will be conducted in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from the New York City Department of Environmental Protection (NYC DEP) to meet pretreatment requirements prior to discharge to the sewer system;
22. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
23. Submission of an 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 Controls (ECs) and Institutional Controls (ICs) to be implemented at the Site;
24. 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 ECs/ICs, and reporting at a specified frequency; and
25. The property will continue to be registered with an E-Designation at the New York City Department of Buildings (NYC DOB). 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) in-ground 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 with NYC OER approval; and (4) higher level of land usage without NYC OER approval.
26. Placement of a deed notice to record the ECs/ICs on the deed to ensure that future owners of the Site continue to comply with the SMP, as required.

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

The elements of the remedial action selected for Noise for the 400 West 219<sup>th</sup> Street site are as follows:

The requirements of the E-Designation are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuation requirement will be achieved at the locations described below:

1. 28 dBA for all facades;

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Facades  Floors 1 through 8; community facility (school)	31  (required 28)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Test #I6988.01E	Fixed Window, Supera by Intus, I6988.01E	1-3/32" IGU: 5/32" annealed exterior glass, 9/16" air space, 3/8" annealed interior glass
All Facades  Floors 1 through 8; community facility (school)	31  (required 28)	See ASTM E-90 acoustical report for window test with exact glazing in Appendix E. Test #I6990.01D	Operable Window, Supera by Intus, I6990.01D	1-3/32" IGU: 5/32" annealed exterior glass, 9/16" air space, 3/8" annealed interior glass
North Façade  Floor 2; community facility (school) multipurpose room	31  (required 28)	See ASTM E-90 acoustical report for the exact door test with glazing in Appendix E. Test 94931.01	MegaTherm 35XT, Test 94931.01	1" IGU; ¼" annealed exterior glass, ½" argon air space, ¼" annealed interior glass

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls.

The applicant commits to demonstrating that the selected manufacturer's window products achieve the minimum OITC requirement outlined in the table above. If the selected manufacturer does not have ASTM E90 test on file for the specific window assemblies to be installed, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement.

### 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. **Combination of Dedicated Fresh Air/ HVAC System:** Community facility (school) spaces will be provided with VRF indoor AC units in each classroom/office, model #s FXMQ07PBVJU, FXMQ09PBVJU, FXMQ12PBVJU, FXMQ15PBVJU, FXMQ18PBVJU, FXMQ24PBVJU, FXMQ30PBVJU, FXMQ36PBVJU, FXMQ48PBVJU and air cooled condensing units located on 1st floor roof and main roof. ACCU models: Model RXYQ24TATJU, Model RXYQ72TATJU, Model RXYQ096TATJU, Model RXYQ120TATJU, Model RXYQ144TATJU, Model RXYQ168TATJU and Model RXYQ240TATJU. Indoor units will be connected to outdoor equipment via refrigerant piping to provide heating and cooling. Dedicated outdoor air ventilation units (AAON Model RN-040/050-8-0-EB0A) will locate at the roof, providing fresh air to occupied spaces in the building. The gym will be served by two rooftop units, Daikin model CAH017GVGC.

All roof top units are equipped with MERV15 air filters, central cooling coils, gas heating coils and energy recovery wheel to heat where the outside air will be filtered, cooled and heated prior to supplying to each space via duct distribution inside the ceiling throughout the year. In all cases, the rate of outside air (cfm) delivered to each habitable space (offices, conference rooms, classrooms, lobby, cafeteria, group

rooms, copy room, mothers room, labs, gymnasium) will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3. P.E. certified mechanical drawings depicting the AMV system and the pathway of fresh air delivery into each of the occupied spaces (offices, conference rooms, classrooms, lobby, cafeteria, group rooms, copy room, mothers room, labs, gymnasium) are provided in Appendix H. A letter from the engineer who designed the HVAC system that describes the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces is attached as Appendix I

List of spaces served:

RTU-R-1:

- 8th Floor Office Areas and Conference Rooms
- South, southwest classrooms 2nd through 7th floor
- West Pre-K area and south conference rooms/offices 1st floor
- 1st Floor lobby
- Typical general exhaust exhausting fresh air provided via energy recovery ventilator. Corridors ventilated via transfer air.

RTU-R-2:

- 8th Floor West Music Areas
- 2nd-7th west classroom areas including west science classrooms on 5th floor.
- 1st Floor Cafeteria
- Core small group, copy room, mother's room, speech adjacent to Stair B.
- Typical general exhaust exhausting fresh air provided via energy recovery ventilator. Corridors ventilated via transfer air.

RTU-R-3:

- 8th Floor West Music Areas (select practice rooms)
- 8th Floor East Music Areas and Classrooms
- 4th-7th west classroom areas
- 5th Floor Science Labs
- Typical general exhaust exhausting fresh air provided via energy recovery ventilator. Corridors ventilated via transfer air.

AC-3-1,2

- Gymnasium

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.

June 4, 2021

Date



Lauren Brandt  
Project Manager

June 4, 2021

Date



Maurizio Bertini  
Assistant Director

cc: Patrick Diggins, AKRF, INC. - [jdiggins@akrf.com](mailto:jdiggins@akrf.com)  
Deborah Shapiro, AKRF - [dshapiro@akrf.com](mailto:dshapiro@akrf.com)  
Greg Baird, AKRF, INC. - [gbaird@akrf.com](mailto:gbaird@akrf.com)  
David Gross, GF55 Architects – [david@gf55.com](mailto:david@gf55.com)  
Dan Cobleigh, 400 West 219 LLC - [dc@bolivar.nyc](mailto:dc@bolivar.nyc)  
Gerald Sammarco, 400 West 219 LLC - [gs@bolivar.nyc](mailto:gs@bolivar.nyc)  
Eileen Glass, 400 West 219 LLC - [eglass@bolivar.nyc](mailto:eglass@bolivar.nyc)  
Patricia Scanlon, Longman Lindsey - [PatriciaS@longmanlindsey.com](mailto:PatriciaS@longmanlindsey.com)  
Ryan Piper, NYS DEC - [ryan.piper@dec.ny.gov](mailto:ryan.piper@dec.ny.gov)  
Mark McIntyre, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Sarah Pong  
Lauren Brandt, PMA-OER