



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.

Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB-121185092

September 8, 2016

Re: **11 Avenue C: 7 – 11 Avenue C, 251 – 257 East 2nd Street, 348 – 350 East Houston Street**
Manhattan Block 384, Lot 33
Hazardous Materials Noise “E” Designation
E-216: 11/19/2008 East Village / Lower East Side Rezoning - CEQR 07DCP078M
E-359: 11 Avenue C - CEQR 14BSA169M - 1/27/2015
OER Project Number 15ENOS242M

Dear Manhattan 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 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 Katherine Glass at 212-676-4925 or Horace Zhang at 212-788-8484.

Sincerely,

Shaminder Chawla
Deputy Director

cc: **Monika Majewska, BLDG Management Co., Inc. – mmajewska@bldg.com**
Matthew F. Schieferstein, Island Pump & Tank Corp. – matts@islandpumpanktank.com
William Silveri, WCD Group – bsilveri@wcdgroup.com
Semyon Rodkin, P.E. – srodkin@rcmep.com
Drumm, James, NYSDEC – james.drumm@dec.ny.gov
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
Katherine Glass, Horace Zhang, PMA-OER



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DECISION DOCUMENT
NYC E-Designation Remedial Action Plan Approval

September 8, 2016

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Plan (RAP) dated July 2016 with Stipulation Letter dated August 2016 and the Remedial Action Plan for Noise dated June 2016 for the above-referenced project. The New York State Department of Environmental Conservation was briefed on this project in July 2016.

These Plans were submitted to OER under the NYC E-Designation Program.

Project Description

The proposed project will include the demolition of the one existing structure and construction of a 9-story mixed-use building with a one-story full basement. The proposed use for the sub-grade basement level includes building mechanical space, storage, laundry facilities, and retail or tenant amenity space. The first floor will include a lobby and commercial retail space. Residential space will be located from the 2nd to 9th floors, with additional tenant amenity space on the 9th floor. The proposed building will occupy an approximate 5,874-square foot footprint. The project will include excavation and off-site disposal of soil to a depth of approximately 17-feet below ground surface (bgs) for installation of the below grade basement level, new building slab, utilities and foundation. As part of development, the referenced lot is not expected to be sub-divided.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “11 Avenue C” pursuant to the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials Description of Selected Remedy

The remedial action selected for the 11 Avenue C site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
2. Selection of NYSDEC Part 375 Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).
3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. Performance of additional site characterization sampling of soil during excavation activities.

5. Completion of a Waste Characterization Study prior to excavation activities. This study was completed by WCD Group during May 2015. Additional waste characterization soil samples may be necessary and will be collected at a frequency dictated by the disposal facility(s).
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The entire footprint of the subject site will be excavated to a depth of approximately 17-18 feet below grade for development purposes. Approximately 5,500 tons of soil/fill will be removed from the Site and properly disposed at an appropriately licensed or permitted facility.
7. 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.
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
9. Removal of underground storage tanks (if encountered) and closure of petroleum spills (if evidence of a spill/leak is encountered during Site excavation) 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 onsite.
11. Performance of a remedial action for the petroleum spill #90-01894 and #14-09922 under New York State Department of Environmental Conservation (NYSDEC) Spill program. This remedial action will be directed by NYSDEC. A separate RAWP Addendum may be required by NYSDEC.
12. Request for closure of onsite petroleum Spill #90-01894 and #14-09922 under the authority of NYSDEC pending the results of the investigation and remediation and in accordance with CP-51 soil cleanup objectives. This RAWP does not alter or interfere with the remedial action for the petroleum spill. A separate Spill closure report will be prepared and submitted to NYSDEC. Spill closure and any associated groundwater remediation will be managed under NYSDEC authority for Spill #90-01894 and #14-09922.
13. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs. Following the excavation of all impacted soil, IPT will collect sidewall and bottom endpoint samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs. This sampling will be conducted in accordance to the NYSDEC DER 10 parameters as required by the NYSDEC Project Manager. Sidewall samples will be collected behind the timber lagging system at a predetermined depth of approximately 8-9 feet below grade surface. Sampling of the sidewalls will be coordinated with the construction manager during the installation of the support of excavation.
14. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.

15. 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.
16. Groundwater is at eleven feet depth. Redevelopment requires excavation to 18 feet depths. Dewatering will be required and will be performed 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 New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. As part of construction, 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 Preprufe 300R membrane by Grace Products below the slab throughout the full building area and a Preprufe 160R membrane outside all sub-grade foundation sidewalls. All welds, seams, and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
19. Construction of an engineered composite cover consisting of 30-inch thick concrete building slab with a 12-inch clean granular sub-base beneath entire building footprint.
20. If Track 1 SCOs are not achieved, 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. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and lists any changes from this RAWP. A separate RAWP Addendum will be prepared for NYSDEC detailing spill remediation including injections, off-site treatment or monitoring.
22. If Track 1 Unrestricted Use SCOs are not achieved, 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.
23. Performance of post excavation groundwater monitoring if required by NYSDEC. Groundwater well numbers and sampling plan will be approved by NYSDEC prior to implementation. Quarterly monitoring results will be submitted to NYSDEC and OER.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 11 Avenue C site are as follows:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Ground Floor façades Retail and Lobby	OITC-24 Window Assembly	Rating based on glass only	ES Windows LLC ES-P450	1/4" laminated glass
Residential spaces along all façades. Floors 2 - 8	OITC-25 Window-Wall Assembly (including terrace door)	Rating based on glass performance only. ASTM-90 test report to be provided.	ES Windows LLC ES-P450	1" IGU (1/4" glass + 1/2" air space + 1/4" glass)
Residential spaces along all façades. Floor 9	OITC-25 Window-Wall Assembly (including terrace door)	Rating based on glass performance only ASTM-90 test report to be provided.	ES Windows LLC ES-P450	1" IGU (1/4" glass + 1/2" air space + 1/4" glass)

The applicant commits to demonstrate that the selected manufacturer's window products achieve the minimum OITC requirements outlined in the table above. If the selected manufacturer does not have ASTM E-90 test data on file for the specific window assemblies to be installed, a mock-up will be laboratory tested as per ASTM E-90 to demonstrate compliance with the minimum OITC requirement. The project Acoustic Consultant will continue to coordinate with OER once the window manufacturer has been selected and acoustic data is provided.

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 Trimvent 4000 trickle vents manufactured by Titon in all bedrooms and living rooms of 2nd thru 9th floor residential apartments. Fresh air will be provided to all bedrooms and living rooms by the trickle vents (a minimum of at least one trickle vent per living room or bedroom). The trickle vent free area shall provide fresh air flow at a rate greater than 15 cubic feet per minute (cfm) per person.
2. Compliance with Mechanical Code: Providing outside air to retail space and common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.
3. Heating /Cooling for residential units is provided by Water Source Heat Pumps. Each unit will be controlled by a programmable thermostat. Units serving two rooms will have a double deflection grill with opposed blade damper.

The remedies for Hazardous Materials and Noise described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

9/8/16



Date

Katherine Glass
Project Manager

Horace Zhang

9/8/16

Date

Horace Zhang
Project Manager

Shaminder Chawla

9/8/16

Date

Shaminder Chawla
Deputy Director

Maurizio Bertini

9/8/16

Date

Maurizio Bertini, Ph.D.
Assistant Director

- cc: [Monika Majewska, BLDG Management Co., Inc. – mmajewska@bldg.com](mailto:mmajewska@bldg.com)
[Matthew F. Schieferstein, Island Pump & Tank Corp. – matts@islandpumpandtank.com](mailto:matts@islandpumpandtank.com)
[William Silveri, WCD Group – bsilveri@wcdgroup.com](mailto:bsilveri@wcdgroup.com)
[Semyon Rodkin, P.E. – srodkin@rcmep.com](mailto:srodkin@rcmep.com)
[Drumm, James, NYSDEC – james.drumm@dec.ny.gov](mailto:james.drumm@dec.ny.gov)
[Paul Montgomery, Longman Lindsey – paulm@longmanlindsey.com](mailto:paulm@longmanlindsey.com)
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
Katherine Glass, Horace Zhang, PMA-OER

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