



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**

**Director**

Tel: (212) 788-8841

Fax: (212) 788-2941

**DECISION DOCUMENT**  
**NYC VCP and Restrictive Declaration**  
**Remedial Action Work Plan Approval**

April 29, 2015

Re: **540 West 53<sup>rd</sup> Street**  
**Manhattan Block 1081, p/o Lot 1**  
**Hazardous Materials Restrictive Declaration**  
**R-22: October 22, 2003 Rezoning CEQR No. 01HPD003M**  
**OER Project Number 15RHAZ261M**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated January 2015 with Stipulation Letter dated April 2015 for the above-referenced project. The Plan was submitted to OER under the NYC Voluntary Cleanup Program and the Restrictive Declaration Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on February 15<sup>th</sup>, 2015. There were no public comments.

**Project Description**

The proposed future use of the site will consist of a twelve-story mixed-use commercial and residential building with a single cellar level. The current buildings will be demolished as part of redevelopment. The new building will house 103 moderate-income affordable housing units. The cellar will measure approximately 13,500 square feet and will include the parcels at 536-546 West 53<sup>rd</sup> Street. The cellar will consist of commercial tenant storage space including incidental automobile parking areas for Cybert Tire (Tenant A), and mechanical rooms and will include a mezzanine in the northwestern corner with additional mechanical and storage rooms. The first floor will measure approximately 13,500 square feet and will consist of the residential lobby and community room and retail tenant space for Cybert Tire (Tenant A) and Lenoble Lumber (Tenant B) and a loading area. Cybert Tire will operate as an automobile repair facility and the Lenoble Lumber space will be sublet to a grocery store. The second floor will measure approximately 9,000 square feet and will consist of residential apartments with an approximately 4,500 square foot outdoor terrace on the south side of the tower. Floors three through twelve will each measure approximately 9,000 square feet and will consist of residential apartments. A gym, recreation room, laundry facilities, and a mechanical room will be located on the roof. The parcels located at 548 West 53<sup>rd</sup> Street and 543 West 52<sup>nd</sup> Street will be developed at ground level as landscaped areas. Approximately 19- to 20.5 feet of historic fill and bedrock will be removed in the 4,300 square foot mezzanine area in the northwestern corner of the cellar and approximately 15.5- to 17-feet of historic fill and bedrock will be removed over 9,200 square feet in the remainder of the cellar.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and the Restrictive Declaration Program project known as “540 West 53<sup>rd</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 Hazmat**

The remedial action selected for the 540 West 53<sup>rd</sup> 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 all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
3. Selection of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs) beneath the building footprint and establishment of Site-specific (Track 4) SCOs in the proposed landscaped areas.
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Perform additional site characterization to include the sampling of groundwater in bedrock. Additional investigations will be conducted prior to start of construction.
6. Completion of a Waste Characterization Investigation prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by the selected disposal facility(s) acceptance criteria.
7. Excavation and removal of soil/fill exceeding Track 1 SCOs beneath the building footprint. Approximately 19- to 20.5 feet of historic fill and bedrock will be removed in a 4,300 square foot area in the northwestern corner of the cellar and approximately 15.5- to 17-feet of historic fill and bedrock will be removed over 9,200 square feet across the remainder the cellar. Additional excavation to approximately 25.5-feet will occur in an elevator pit in the mezzanine area and to approximately 22-feet will occur in an elevator pit in the remaining cellar area. A maximum of 2 feet of soil/fill will be excavated from the remainder of the Site outside the building footprint. The total quantity of soil/fill expected to be excavated and disposed of off-Site is between approximately 5,000 and 8,000 tons. The remainder of material excavated and disposed of off-Site will consist of bedrock.
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site (soil and bedrock) as well as any media that is identified as being impacted via the screening methods.
9. 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.
10. Removal of underground storage tanks (USTs) (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.
11. 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, this plan, and the results of the Waste Characterization Investigation.
12. Collection and analysis of end-point samples within the landscaped areas (Track 4) and within the building footprint if soil remains post-excavation to determine the performance of the remedy with respect to attainment of SCOs.
13. Demarcation of residual soil/fill in landscaped areas.
14. Import of materials to be used for backfill and cover in landscaped areas in compliance with this plan and in accordance with applicable laws and regulations.
15. Installation of a vapor barrier system on all subgrade foundation elements. The vapor barrier will consist of Grace Floorprufe® 120 or Bituthene® 3000/4000 waterproofing/vapor barrier system with a minimum thickness of 20-mil will be installed on all subgrade foundation elements.
16. Construction of a 5-inch thick concrete cellar slab and associated foundation elements under the building and a minimum two-foot clean fill cap on top of the remainder of the Site (the proposed landscaped areas) to prevent human exposure to residual soil/fill remaining at the Site.
17. Performance of all activities required for the remedial action, including permitting requirements and 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 the RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
20. Submission of an approved Site Management Plan (SMP) for the proposed landscaped areas (and the building if Track 1 is not achieved) 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. The property will continue to be registered with a Restrictive Declaration at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls; as well as 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.

This remedy for Hazardous Materials 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.



April 29, 2015

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Date

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Shana Holberton  
Project Manager

April 29, 2015



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Date

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Shaminder Chawla  
Deputy Director

cc: Brian Backscheider, Clinton Housing Development Company – bbackscheider@clintonhousing.org  
Christopher McMahon, Langan – cmcmahon@Langan.com  
Amanda Forsburg, Langan – aforsburg@Langan.com  
Aaron Werner, NYC HPD – wenera@hpd.nyc.gov  
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore  
Shana Holberton, PMA-OER