



OFFICE OF ENVIRONMENTAL REMEDIATION

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Mark P. McIntyre, Esq.
Director

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NOTICE TO PROCEED
DOB Job Number A1 120941133

November 14, 2019

Re: 1290 Madison Avenue: 1286-1294 Madison Avenue, 32 East 92nd Street
Manhattan Block 1503, Lot 56
Hazardous Materials and Noise “E” Designation
E-389: 1290 Madison Avenue - CEQR 16DCP187M - 11/14/2016
OER Project Number 18EH-N398M / 19CVCP100M

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 Numbers. 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,

Zach Schreiber, Ph.D.
Assistant Director

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DECISION DOCUMENT
NYC VCP and E-Designation
Remedial Action Work Plan Approval

November 14, 2019

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan dated October 2019 with Stipulation Letter dated November 2019 and the Remedial Action Plan for Noise dated October 2019 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 10/26/2019. There were no public comments. NYSDEC and NYCDOHMH were briefed on this project on 5/23/2019.

Project Description

The proposed future use of the Site will be mixed-use residential and commercial. The proposed redevelopment consists of a full building renovation, addition of two stories and excavation of the basement to an additional four feet below current grade. Underpinning will extend the existing foundation walls, which extend to the western property line in the basement, down to bedrock in small sequenced excavated pits; after which, concrete will be poured within the cellar. The remaining area outside of the cellar footprint, to the south of the existing building, will not be excavated and will remain as the side walkways for entrance into the building. The current zoning designation is R10, residential, with a C1-5 commercial overlay. The proposed use is consistent with the existing zoning for the property.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1290 Madison Avenue” 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 1290 Madison Avenue 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. Selection of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Performance of additional site characterization sampling of soil

6. 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).
7. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs.
8. The entire footprint of the building area (about 95% of the property) will extend the western property line in the basement to a depth of approximately 4 feet below the existing basement grade for development purposes. The proposed square footage of the basement is approximately 3,490 square feet. The proposed square footage of the first floor is approximately 3,652 square feet; the remaining area at grade above the basement is the walkway to the entrance in the southwest portion of the Site. Approximately 660 tons of soil/fill will be removed from the Site and properly disposed at an appropriately licensed or permitted facility. The remaining area outside of the proposed building footprint will not be excavated and will remain as the front and side walkways for entrance into the building.
9. 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.
10. 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.
11. Removal of any UST's that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
12. Transportation and off-Site disposal of all soil/fill material at a 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.
13. If soil is left in place, an endpoint sampling plan will be submitted to OER.
14. Construction and maintenance of an engineered composite cover system consisting of a six-inch reinforced concrete building slab underlain by a six-inch clean compacted gravel sub-base.
15. Installation of a vapor barrier system consisting of a vapor barrier beneath the building slab to mitigate soil vapor migration into the building. The vapor barrier system will consist of a Stego Wrap (15-mil) vapor barrier, or approved equivalent, below the slab throughout the full building area and outside all subgrade foundation walls. 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. Dewatering is not anticipated, however if required, 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.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
19. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
20. 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.
21. 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.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 1290 Madison Avenue site are as follows:

1. 31 dBA in residential spaces on the second through seventh floors and Penthouse Level (8th floor).
2. 31 dBA in the commercial spaces on the first floor.

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Glazing Manufacturer	Glazing
North and East Façades - 1 st Floor Commercial Space	31	Rating based on glass only. Window ASTM E-90 Lab Test Report to be provided to OER prior to purchase and installation. RAL Test No.: TL17-209	Kuraray America, Inc.	Glazing: 0.941” Tempered IGU. Glazing Thickness: 1/8”/ 1/8” (Outer) Interlayer: .030” Air Space: 0.528” Glazing Thickness: 0.13” (Inner)
North, South and East Façades – 2 nd Floor through Penthouse (8 th FL) Residential Spaces	32	Rating based on glass only. Window ASTM E-90 Lab Test Report to be provided to OER prior to purchase and installation. RAL Test No.: TL17-209	Kuraray America, Inc	Glazing: 0.941” Tempered IGU. Glazing Thickness: 1/8”/ 1/8” (Outer) Interlayer: .030” Air Space: 0.528” Glazing Thickness: 0.13” (Inner).

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.


11/14/19

Date


Anna Brooks
Project Manager

11/14/19

Date


Zach Schreiber, Ph.D.
Assistant Director

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