



OFFICE OF ENVIRONMENTAL REMEDIATION

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Director

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

May 26, 2016

Re: 1353 Flatbush Avenue
1353-1357 Flatbush Avenue
Brooklyn Block 5227, Lots 13, 15, 16
Hazardous Materials “E” Designation
E-233: 7/29/2009 Flatbush Rezoning - CEQR 09 DCP 058K
OER Project Number 16EHAZ157K / VCP Number 16CVCP070K

The New York City Office of Environmental Remediation (OER) has completed its review Remedial Action Work Plan (RAWP) dated April 2016 with Stipulation Letter dated April 26, 2016 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 May 25, 2016. No comments were received.

Project Description

The Site is located at 1353 Flatbush Avenue in the Flatbush section of Brooklyn, New York and is identified as Block 5227 and Lots 13, 15 and 16 on the New York City Tax Map. The Site is 9,744 square feet in area and is bounded by Flatbush Avenue to the west, East 26th Street to the east, a 2-story mixed use building to the north and 2-story mixed use building to the south. Currently, the Site is a vacant lot.

The proposed future use of the Site will consist of a new 7-story, mixed use building with a full basement. The basement and first floor will contain retail space with the 2nd through 7th floors containing 35 residential units. The building footprint will cover 6,009 square feet, 62% of the site. The remaining portion of the site will be used for a rear yard and paved walkways. The proposed development will involve the excavation of the building footprint to a maximum depth of 14.5 feet below grade and excavation of a minimum of 2 feet across the rear yard and walkway. Groundwater is expected at 24 feet below grade at the Site; therefore dewatering is not anticipated during excavation. Approximately 5,255 tons of soil will be excavated and removed from this Site. The current zoning designation is C2-4/R7A.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1353 Flatbush 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 1353 Flatbush 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 the Citizen Participation Plan.
2. Perform 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. 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).
6. Excavation and removal of soil/fill exceeding Track 1 Unrestricted Use SCOs. For development purposes, the building footprint will be excavated to a maximum depth of 14.5 feet for the new building's cellar with 2 feet of soil excavated from the rear landscaped/capped areas. An additional hot spot will be excavated to approximately 6 feet below grade in the vicinity of RI soil sample SP-6. Approximately 5,255 tons of soil will be removed.
7. 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.
8. 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.
9. Removal of all underground storage tanks 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.
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 on-Site.
11. Collection and analysis of six (6) end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
12. Demarcation of residual soil/fill in landscaped areas.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
16. 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 describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering and Institutional Controls:

17. As part of development, 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 minimum 20-mil vapor barrier below the slab throughout the full building area and a minimum 20-mil vapor barrier outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
18. As part of development, construction and maintenance of an engineered composite cover consisting of the 2.5-foot thick concrete building slab, 4-inch concrete paved walkways and a minimum of 2-feet of clean soil in all open space and landscaped areas to prevent human exposure to residual soil/fill remaining under the Site.
19. 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.
20. If Track 1 SCOs are not achieved, the property will continue to be registered with an E-Designation at

the NYC Buildings Department. 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) 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.

The 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.

May 26, 2016

Date



Sarah Pong
Project Manager

May 26, 2016

Date



Shaminder Chawla
Deputy Director

May 26, 2016

Date



Maurizio Bertini, Ph.D.
Assistant Director

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