



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

November 19, 2021

Re: 276 Bedford Avenue; 276 - 278 Bedford Avenue; 150 – 156 North 1 Street  
Brooklyn Block 2380, Lot 20  
Hazardous Materials, Air Quality, Noise E Designation  
E-559: Bedford Avenue Overlay Extension - CEQR 20DCP072K - 12/10/2020  
E-7A: Bedford Avenue-North 3rd Street URA - CEQR 85-271K - 6/17/1986  
OER Project Number 21EHAN187K / 22CVCP010K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated August 2021 with Stipulation Letter dated November 11, 2021 and the Remedial Action Plan for Air Quality and Noise dated November 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 November 18, 2021. There were no public comments.

**Project Description**

The redevelopment project consists of constructing a new 2-story commercial building with a full cellar on Site. The new building will occupy the entire Site footprint. The cellar level will total 2,028 ft<sup>2</sup> and comprise of commercial space, restrooms, storage/mechanical space, an elevator, and an access stairway. The first floor will total 2,059.26 ft<sup>2</sup> and will consist of retail space, an entrance lobby, restrooms, an elevator, and an access stairway. The second floor will be comprised of multiple offices, restrooms, a common corridor, an elevator, and an access stairway.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “276 Bedford 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 276 Bedford 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. Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs) for this project including Total SVOCs - 150 ppm, Lead - 800 ppm, Mercury - 2.0;
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 the disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action;
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, excavation for the cellar level is proposed to a depth of approximately 13 feet below the existing sidewalk grade, 14 feet below sidewalk grade for the footings and 18 feet below sidewalk grade for the elevator pit. Therefore, an estimated 1,358 cubic yards (2,037 tons) of soil 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 PID;
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 encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with USTs 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 the RAWP;
11. Collection and analysis of four (4) end-point samples (EP1 - EP4) to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. Endpoint samples would be analyzed for SVOCs, lead and mercury to determine if Track 4 Site-Specific SCOs can be achieved. If the attainment of Track 1 Unrestricted Use or Track 2 Restricted Residential SCOs is to be pursued, all endpoint samples will be analyzed for VOCs, SVOCs, PCBs, pesticides, and TAL metals;
12. Import and reuse of materials to be used for backfill and cover in compliance with RAWP and in accordance with applicable laws and regulations;
13. The vapor barrier system will consist of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system installed below the slab throughout the building area, below/around the elevator pit and outside all sub-grade foundation sidewalls to grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. If Stego Industries® Stego® Wrap 20-mil Vapor Barrier is not available then one of the follow vapor barriers will be installed: Raven Industries Vaporblock® Plus™ VBP20, Americover Builds Vaporblock® Plus™, Husky Yellow Guard, Grace Industries Preprufe 300R & 160R or OER-approved equivalent. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the Remedial Action Report (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
14. Construction and maintenance of an engineered composite cover consisting of the new building's 6-inch thick concrete slab, underlain by a 20-mil vapor barrier (Stego Industries® Stego® Wrap), underlain by 6-inches of clean stone underlain by residual soil;
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
17. 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;
18. Submission of an 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 the RAWP; and
19. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in the 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.

### **Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 276 Bedford Avenue site are as follows:

In order to satisfy the requirements of the E-designation, electrically powered equipment will be utilized at the site for space heating, hot water, and HVAC systems. Space heating and air conditioning will be supplied by a heat pump system that consists of indoor wall-mounted air handling units and outdoor condensing units. There will be 21 pairs of indoor fan coils /outdoor condensers manufactured by Mitsubishi Models MSZGE09NA/MUZ-GE-09NA2 (5), MSZGE12NA/MUZ-GE12NA2 (9), MSZ-GE18NA/MUZ-GE18NA2 (3), MSZ-GE24NA/MUZGE24NA2 (1), and PEFY-P48NMAU-E3/PUMY-P48NKMU2 (3). The unit heaters located in the basement bicycle storage area and mechanical room are electrically powered units manufactured by QMark (Model MUH0381).

Electrically powered heaters located in the stairway areas are manufactured by Markel 3320 Series (Model E3323TD-RP). Hot water will be provided by an AO Smith Model ENT-50 electric water heater.

Fresh air for all occupiable space on the cellar and 2nd floor levels will be provided by an electrically powered energy recovery unit (ERV) manufactured by Mitsubishi, Model LGHF600RX5-E. The first-floor space will have an 8" duct connected to three 4.0-ton air handling units (AHU-1) manufactured by Mitsubishi (Model PEFY-P48NMAU-E3/PUMY-P48NKMU2).

In order to satisfy the requirements of the E-Designation, all HVAC equipment servicing the proposed building will be provided by electrically powered equipment. No natural gas or fuel oil-fired HVAC equipment is proposed. As such, the stack height and setback requirements outlined in the E-Designation are not applicable.

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

The elements of the remedial action selected for Noise for the 276 Bedford Avenue site are as follows:

The requirements of the E-Designation are as follows:

1. 28 dBA for all facades.
2. 23 dBA in the commercial spaces based upon an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses.
3. No windows will be installed on the interior facing (southern and western) facades.

The following windows and doors will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
N. 1 <sup>st</sup> Street (North) and Bedford Avenue (East) Façades  1 <sup>st</sup> and 2 <sup>nd</sup> Floors (W-1A, W-1B, W-2B, W-1C, and W-1D)  Commercial office space	25	ASTM E-90 Lab Test Report J3213.01-113-11-R0 Data File No. J3213.01A.	Zephyr Windows, ALU 86, Fixed window	28 mm IG (4 mm annealed exterior, 20 mm argon gas space, 4 mm annealed interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
N. 1 <sup>st</sup> Street (North) and Bedford Avenue (East) Façades  2 <sup>nd</sup> Floor (W-2A, W-2D and W-2E)  Commercial office space	27 (operable), 25 (fixed)	ASTM E-90 Lab Test Report – Operable I4025.01-113-11-R0 Data File No. I4025.01A and Fixed - J3213.01-113-11-R0 Data File No. J3213.01A and manufacturer's letter.	Zephyr Windows, ALU 86, Fixed window with bottom casement	Operable – 1 1/16" IG (5/32" annealed exterior, 3/4" air space, 5/32" annealed interior) and Fixed - 28 mm IG (4 mm annealed exterior, 20 mm argon gas space, 4 mm annealed interior)
N. 1 <sup>st</sup> Street (North) and (East) Bedford Avenue Façades  1 <sup>st</sup> Floor (A-3A and W-3B)  Commercial office space	25	ASTM E-90 Lab Test Report –Fixed - J3213.01-113-11-R0 Data File No. J3213.01A.	Zephyr Windows, ALU86, Fixed transom	Fixed - 28 mm IG (4 mm annealed exterior, 20 mm argon gas space, 4 mm annealed interior)

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. **Compliance with Mechanical Code:** All occupiable spaces on the cellar, first and second floor levels, including corridors, lobbies, and offices will be provided with mechanical fresh air in compliance with the NYC Mechanical Code 2014 (Table 403.3). Fresh air for all occupiable space on the cellar and 2nd floor levels will be provided by an electrically powered energy recovery unit (ERV) manufactured by Mitsubishi Model LGH-F600RX5E. The first-floor space will have an 8" duct connected to three 4.0-ton air handling units (AHU-1) manufactured by Mitsubishi (Model PEFY-P48NMAUE3/PUMY-P48NKMU2).

The remedies for the Hazardous Materials, Air Quality, and Noise E-Designations 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.

November 19, 2021

Date



Shirley Chen  
Project Manager

November 19, 2021

Date



Shaminder Chawla  
Deputy Director – Hazardous Materials

November 19, 2021



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Date

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Maurizio Bertini, Ph.D.  
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