



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

August 6, 2024

Re: 555T West 45th Street  
Manhattan Block 1074, Lot 2 (Formerly Lot 63)  
Hazardous Materials and Noise “E” Designation  
E-268: West Clinton Rezoning - CEQR 11DCP068M - 6/14/2011  
OER Project Number 25TMP0014M, 25EH-N004M, 25CVCP003M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2024 with Stipulation Letter dated August 2024 and the Remedial Action Plan for Noise dated July 2024 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 07/20/2024. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of the development of two new mixed-use buildings with partial cellars. The current parcel, Lot 63 has been divided into two separate lots. Lot A will have the proposed address of 622 11th Avenue, will be approximately 16,978 square feet in area and will be located in the northern portion of the lot bounded by West 46th Street to the north and 11th Avenue to the west. Lot B will have the proposed address of 555 West 45th Street, will be approximately 10,042 square feet in area, will be located in the southeast portion of the lot and will be bounded to the south by West 45th Street.

The applicant is proposing to build a new seven-story residential building on Block 1074, Lot 2, located at 555 West 45th Street. The Site contains approximately 10,042 square feet in area and is bounded to the south by West 45th Street. The new seven-story building will contain approximately 50,717 gross square feet and the building footprint is 6,823 square feet in area. The partial cellar will be approximately 4,386 square feet and will contain a recreational space, mechanical space, refuse compactor room, and utility rooms, and an approximately 2,770 square foot open common terrace space will be present at the cellar level. The partial cellar and open common terrace space will be excavated to approximately 12-feet below grade. Bottoms of all exterior footings shall be at least four feet below finished grade. The portion of the first floor that is slab on grade will be occupied by apartments and will be excavated to approximately three feet below grade. Floors one through seven will contain a total of 56 residential spaces, 12 of which will be affordable housing units. Floor one also includes a lobby and a mail room. The seven-story building will be constructed to approximately 65.79-feet in height. There will be a 2,770 square foot concrete area in the western portion of the lot, and it will be used for recreational purposes and will be covered with concrete pavers.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “555 West 45th Street” pursuant to the Zoning Resolution and §43 - 1474 of the Rules of the City of New York.

**Description of Selected Remedy for Hazardous Materials**

The remedial action selected for the 555 West 45th 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 a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 4 Site-specific 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 2 Residential and Track 4 Site Specific SCOs. Approximately 13,074 tons of soil will be removed during the excavation activities. The following portions of the site will be excavated:
  - Building A:
    - Cellar (9,982 square feet) to a depth of 10 feet below grade plus additional 6-foot excavation for the pool (3,015 square feet) and additional 5-foot excavation for three elevator pits (300 square feet)
    - Concrete Area (4,500 square) excavated to 2 feet below grade.
    - Petroleum Hotspot at SP-7: excavation to bedrock at approximately 9 feet over a 10 by 10-foot area.
  - Building B:
    - Partial Cellar (4,386 square feet) to a depth of 12 feet below grade.
    - Main floor of Building B (2,886 square feet) to 3 feet below grade.
    - Concrete Area (2,770 square feet) to 12 feet below grade.
    - One elevator pit (450 square feet) to 12 feet below grade.
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 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.
10. Transportation and off-Site disposal of all soil/fill material at 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.
11. Collection and analysis of 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. Construction of an engineered composite cover consisting of a six-inch thick concrete building slab with an 8-inch clean granular sub-base beneath all building areas, 4-inch poured concrete on a 6-inch sub-base in sidewalk areas and concrete areas within the site.
15. 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 73-mil Precon #714 vapor barrier below the slab throughout the two building areas, the pool area and outside all sub-grade foundation sidewalls of both buildings and the pool area. All welds, seams and penetrations will be properly sealed in accordance with the Precon #714 system 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. Installation of an active sub-slab depressurization system (SSDS) in Building A and Building B consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and

travels through the building to the roof. The gas permeable layer will consist of a 6-inch-thick layer of 2-inch trap rock stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include a Radon Away fan GP-501c blower installed on the roof line and a pressure gauge and alarm located in an accessible area in the basement. The active SSDS is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the active SSDS was designed and properly installed to establish a vacuum in the gas permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building. The SSDS in Building A will only cover the slab on grade portion of the building. A SSDS is not required in the sub-grade portion since this area will be constructed into the water table. The depth to water in this area is approximately 8 feet below grade and the depth of the basement is approximately 10 feet below grade. When a slab is placed within a water table, vapors do not have an unsaturated zone to be generated and SSDS systems cannot function within the water table.

17. 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.
18. Dewatering 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.
19. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
20. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
21. 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.
22. 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.
23. Placement of a deed restriction on the property to document the installation of, and continued operation of, an active SSDS. The deed restriction may be removed if OER determines that the active SSDS has achieved its goal and is no longer warranted.

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

The elements of the remedial action selected for Noise for the 555 West 45th Street site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuation requirement will be achieved at the locations described below:

1. 28 dBA for all facades.

The following windows will be installed in the 555 West 45th Street building:

| <b>Façade Floor Range</b>   | <b>OITC Rating</b> | <b>OITC Certification</b>  | <b>Manufacturer and Model</b>                   | <b>Glazing</b>  |
|---|--------------------|--|---|---|
| Western Façade <ul style="list-style-type: none"> <li>• Cellar</li> <li>• Floors 2 through 7 (Residential)</li> </ul> Eastern Façade <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Floor (Residential/Lobby)</li> </ul>   | 30                 | See ASTM E-90 acoustical report for the exact window and glazing (Data File No. P5217.01B) in Appendix F. Report No. P5217.01-113-11-R0. | Balcony Door, REYNAERS, Masterline 8            | 26 mm IG, 4 mm Tempered Exterior, 16 mm Argon, 6 mm Tempered Interior     |
| All Facades <ul style="list-style-type: none"> <li>• Floors 2 through 7 (Residential)</li> </ul> Western Façade <ul style="list-style-type: none"> <li>• Cellar and 1<sup>st</sup> floor</li> </ul> Eastern and Northern Facades <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Floor (Residential)</li> </ul> | 28 (required 28)   | See ASTM E-90 acoustical report for the exact window and glazing (Data File No. Q2392.01B) in Appendix F. Report No. Q2392.01-113-11-R0. | Inswing Window, REYNAERS, Aluminum Masterline 8 | 1-7/32" IG, 1/4" Annealed Exterior, 13/16" Argon, 5/32" Annealed Interior |
| All Facades <ul style="list-style-type: none"> <li>• Floors 2 through 7 (Residential)</li> </ul> Western Façade <ul style="list-style-type: none"> <li>• Cellar and 1<sup>st</sup> Floor</li> </ul> Northern and Eastern Facades <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Floor (Residential)</li> </ul> | 28 (required 28)   | See ASTM E-90 acoustical report for the exact window and glazing (Data File No. Q2393.01B) in Appendix F. Report No. Q2393.01-113-11-R0. | Fixed Window, REYNAERS, Aluminum Masterline 8   | 1-7/32" IG, 1/4" Annealed Exterior, 13/16" Argon, 5/32" Annealed Interior |

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors.

The applicant commits to demonstrating that the selected manufacturer's window products achieve the minimum OITC requirement outlined in the table above. If the selected manufacturer does not have ASTM E90 test on file for the specific window assemblies to be installed, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement.

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 Airvent SM1200+ trickle vents manufactured by Brookvent at a frequency of at least one trickle vent per window. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by indoor evaporator units and roof mounted condensing units, models 3MXS24RMVJUA, 4MXS36RMVJUA, 5MXS48TVJU, RMXS48LVJU, manufactured by Daikin. Each condenser will be connected to the wall mounted air handlers (models FTXS09LVJU, FTXS12LVJU, FTXS18LVJU, manufactured by Daikin) which will be installed in each living room and bedroom space. The cooling capacities of air handlers vary from 9.0 MBH to 18.0 MBH and depend on the cooling load of particular space inside the apartments. The heating capacities vary from 9 MBH to 18.0 MBH and depend on the

heating load of the particular space. The ventilation in all residential corridors, lobby, and common areas will be achieved with ceiling mounted Energy Recovery Ventilators (model ERV-20-15L) manufactured by Greenheck providing 1200 CFM fresh air supply.

2. **Amenity/Recreation Cellar Space Ventilation:** The residential lobby, amenity spaces/recreation, common areas, and corridor ventilation is provided with ceiling mounted energy recovery ventilator, Make- Greenheck, Model #ERV-20-15L. The 1200 CFM fresh air is distributed lobby, amenity spaces/recreation, common areas, and corridor with ceiling grilles.
3. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2022 NYC Mechanical Code.

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.

08/06/2024

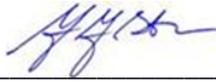
Date



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08/06/2024

Date



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