



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director
Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB 220525947

October 6, 2017

Re: 859 Concourse Village West
Bronx Block 2459, Lot 53, 54 - Former
Hazardous Materials and Noise “E” Designation
E-225: 161 Street River Avenue Rezoning - CEQR 09DCP024X - 9/30/2009
OER Project Number 17EH-N063X / 17CVCP056X

Dear Bronx 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 Number. 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 Tara Ostock at 212-788-7527.

Sincerely,

Shaminder Chawla
Deputy Director

cc: Heather Sonnenberg, J.R. Holzmacher P.E., LLC - heather@holzmacher.com
AJ Scheff, J.R. Holzmacher P.E., LLC - aj@holzmacher.com
Vivian Pereira, Ratan Realty, LLC - vivianpereira@mail.com
Victor Rathod, Ratan Realty, LLC - victor.rathod@gmail.com
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini
Tara Ostock, PMA-OER



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

October 6, 2017

Re: 859 Concourse Village West
Bronx Block 2459, Lots 53, 54
Hazardous Materials, Noise E Designation ,
E-225: 161 Street River Avenue Rezoning - CEQR 09DCP024X - 9/30/2009
OER Project Number 17EH-N063X / 17CVCP056X

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2017 with Stipulation Letter dated October 5, 2017 and the Remedial Action Plan for Noise dated October 2017 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 9/24/2017. There were no public comments. OER briefed NYSDEC and City DOH on October 27, 2016. Since then OER is working with NYSDEC Spill program and NYSDOH on investigations and remediation.

Project Description

The proposed development will consist of a 12-story hotel with cellar and community center. The cellar will encompass the entire footprint of the lot. The above ground portion of the building will cover 2,938 sf of the lot. The expected depth of excavation is to approximately 12' bgs. The cellar will house a laundry room, a fitness center, a meeting room, a breakfast area, and utilities. The ground floor will house a reception area and hotel rooms, and a terrace will be located at the rear of the building. The new building will have an overall area of 95,122 sf and include 84 guest rooms.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “859 Concourse Village West” 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 859 Concourse Village West 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. Perform additional site characterization sampling of groundwater. Two of the previously approved monitoring wells, MW-1 and MW-3, will be installed prior to start of the construction phase.

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 Track 4 Site-Specific SCOs. The entire footprint of the Site will be excavated to a depth of approximately 12 feet below grade for development purposes. A small portion of property will be excavated to the depths of 16 feet below grade for an elevator pit.
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
9. 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
10. The removal of one 250 gallon UST from the Southwest portion of the site will take place during the construction of the site. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of this petroleum spill is in compliance with applicable local, State and Federal laws and regulations.
11. Performance of a remedial action for the petroleum spill #16-05871 under New York State Department of Environmental Conservation (NYSDEC) Spill program. A separate RAWP addendum may be required by NYSDEC.
12. Request for closure of onsite petroleum spill number 16-05871 under the authority of NYSDEC pending the results of the remediation and in accordance with CP-51 soil cleanup objectives. This RAWP does not alter or interfere with the remedial action for the petroleum spill. A separate Spill closure report will be prepared and submitted to NYSDEC, if warranted based on the results of the investigation.
13. 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.
14. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
15. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
16. Construction of an engineered composite cover consisting of a 2-foot 6-inch thick concrete building slab with a 12-inch clean granular sub-base beneath all building areas.
17. 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 VAPORBLOCK PLUS 20-mil vapor barrier below the slab throughout the full building area and a VAPORBLOCK PLUS 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. 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.
18. Installation of an enhanced sub-slab depressurization system (SSDS) 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. As part of the design of the enhanced SSDS system, soil vapors will travel through a granular activated carbon (GAC) drum prior to discharge to the atmosphere.
19. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
20. 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.
21. Groundwater table is at 14 feet below grade and expected to be encountered during excavation for new building. Localized groundwater dewatering may be required. If necessary, dewatering 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.

22. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
23. 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.
24. 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.
25. 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.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 859 CONCOURSE VILLAGE WEST site are as follows:

1. 30 dBA and 32 dBA OITC rated windows will be installed on the first floor of all facades.
2. 30 dBA OITC rated windows will be installed from the second floor to the twelfth floor on the North & West facades.
3. 32 dBA OITC rated curtain walls will be installed from the second floor to the twelfth floor on the South & East facades.
4. 31 dBA OITC rated Tubelite storefront glass will be installed on the South-East façade.
5. 29 dBA OITC rated Tubelite single swing doors will be installed on the first floor of all facades and on the twelfth floor of the North-West facades.

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North-West Rear Façade First Floor Guest Room Windows	32 dBA	ASTM E90 Lab Test Report See Appendix F	Crystal Window & Door Systems, Ltd. Double Hung Window, Model 5500 Data File No.: F0655.01B Window W4a	1” IG (3/16” annealed exterior, 1/4” air space, 9/16” interior laminated)
North-West Rear Façade First Floor Guest Room Windows	30 dBA	ASTM E90 Lab Test Report See Appendix F	Crystal Window & Door Systems, Ltd. Double Hung Window, Model 5500 Data File No.: E5962.01B Window W4b	1” IG (1/8” annealed exterior, 1/2” air space, 3/8” interior laminated)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North-West Rear Façade 2 nd floor through 12 th floor Guest Room Windows	30 dBA	ASTM E90 Lab Test Report See Appendix F	Crystal Window & Door Systems, Ltd. Double Hung Window, Model 5500 Data File No.: A1854.01D Window W6	1” IG (9/32” annealed exterior, 7/16” air space, 9/32” interior laminated)
South-East Front Façade First Floor Lobby	32 dBA	ASTM E90 Lab Test Report See Appendix F	Crystal Window Fixed (5100FW) over Crystal Window Horizontal Sliding (5600 HS) Data File No.: F0655.01B Window W5	1” IG (3/16” annealed exterior, ¼” air space, 9/16” interior laminated)
Southeast Front Façade Floors 2-4 and 10-11 Guest Room Windows Floor 12 – Community Facility Windows	32 dBA	ASTM E90 Lab Test Report – See Appendix F	Tubelite 400TU High Performance Thermal Curtain Wall. Data File No.: E6909.01A Window W2	1-1/16” (5/16” laminated, 7/16” air space, 5/16” laminated), Glass temperature 75°F
Southeast Front Façade Floors 5-9 Guest Room Windows	32 dBA	ASTM E90 Lab Test Report – See Appendix F	Tubelite 400TU High Performance Thermal Curtain Wall. Data File No.: E6909.01A Window W1	1-1/16” (5/16” laminated, 7/16” air space, 5/16” laminated), Glass temperature 75°F
Southeast Front Façade Floor 1 Lobby Entrance Windows	31 dBA	ASTM E90 Test Report will be provided at a later date	Tubelite 400TU High Performance Thermal Storefront Window. Data File No.: [to be provided at a later date] Window W3	1” Glass Thickness, glazed inside and outside.


Southeast and Northwest Facades	29 dBA	ASTM E90 Lab Test Report – See Appendix F	Tubelite TerraPorte 7600 Single Out-Swing Door (Polyamide strut thermal barrier).	1” IGU: ¼” Clear – ½” Alum spacer – ¼” Clear
Floor 1 – Lobby Entrance Door, Guest Room Access Door			Data File No.: ATI report #G4835.0-113-11 Door D1	
Floor 12 – Community Facility Terrace Door				

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. Combination of Dedicated Fresh Air/ HVAC System. Installing Carrier Packaged Unit 48HCFD091 model split systems with condensing systems on the roof and air handling units in each guest room serving all floors for heating and cooling. Air handling units and associated ducting will provide fresh air to each guest rooms.. P.E./R.A. certified mechanical drawings depicting the AMV system and how fresh air is delivered into each of the living spaces have been provided. A letter from the engineer who designed the dedicated fresh air/ HVAC system describing the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces has been provided.
2. Compliance with Mechanical Code: Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 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.

October 6, 2017
Date



Tara Ostock
Project Manager

October 6, 2017
Date



Shaminder Chawla
Deputy Director

cc: Heather Sonnenberg, J.R. Holzmacher P.E., LLC - heather@holzmacher.com
AJ Scheff, J.R. Holzmacher P.E., LLC - aj@holzmacher.com
Vivian Pereira, Ratan Realty, LLC - vivianpereira@mail.com
Victor Rathod, Ratan Realty, LLC - victor.rathod@gmail.com
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini
Tara Ostock, PMA-OER