



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**

**NYC VCP**

**Remedial Action Work Plan Approval**

November 4, 2024

Re: 362-368 Livonia Avenue  
Brooklyn Block 3812, Lots 19, 20, 21, 22, 121  
OER Project Number 25CVCP009K / DEPTECH Number 20HPD054K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan dated October 2024 with Stipulation Letter dated October 2024 for the above-referenced project.

This Plan was submitted to OER under the NYC Voluntary Cleanup Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on 11/02/2024. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of a new eleven-story (115-ft), affordable housing residence (76,416 gross sf) with a partial cellar. The new building will cover 78 percent of the lot (7,137 sf) and the cellar will be 4,766 sf. The remainder of the lot will be covered by pavers and soft cover landscaping. The cellar will contain utility and maintenance rooms and storage rooms. The first floor will contain the lobby, a community facility, amenity space, and supportive offices. Floors 2 through 11 will include a total of 81 units (56 studios and 25 one-bedroom), inclusive of affordable dwelling units for vulnerable young adults, and young mothers and children. The community facility space will be comprised of office and meeting space for a youth drop-in center. The main entrance for residents and visitors to the community facility space will be located on Livonia Avenue.

The cellar footprint will be excavated to approximately 12 ft below surface grade (bsg). A 120-square-foot portion of this area will be excavated to approximately 18 ft bsg for the elevator pit. Portions of the rear yard and mat foundation (approximately 1,100 sf and 1,400 sf, respectively) will be excavated to 2 ft bsg. A 100 square foot portion of the mat foundation will be excavated to approximately 6 ft bsg for hotspot excavation. A 26 square-foot portion of the rear yard will be excavated to approximately 11 ft bsg for a drywell. A 180-sf portion of the neighboring parcel to the southeast will be excavated down to approximately 2 ft bsg. Layout of the proposed Site development is presented in Appendix 1. The Site is zoned R7-2/C2-4 and is part of the Livonia 4 section of New York City 2017 Brownsville Plan. The proposed use is consistent with existing zoning for the Site.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program project known as “368 Livonia Avenue” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1.

**Description of Selected Remedy**

The proposed remedial action will consist of:

1. Preparation of a Community Protection Statement (CPS) and performance of all required NYC VCP citizen participation activities according to an approved CPP.
2. Performance of a Community Air Monitoring Program (CAMP) for particulates and volatile organic carbon compounds.
3. Establishment of Track 4 Site-specific 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 4 Site Specific SCOs. For development purposes, the Site will be excavated to approximately 12 ft bsg for the cellar, to a depth of 18 ft bsg for the elevator pit, to 11 ft bsg for the dry well, and to 2 ft bsg for portions of the mat foundation, rear yard and neighboring parcel. A small portion of property will be excavated to a depth of 6 feet bsg at the hotspot area (6SB-05). Approximately 2,400 cubic yards of soil/fill will be removed from the Site and properly disposed 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. 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 USTs that are 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 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 an 8-inch thick concrete building slab underlain by at least 6 inches of clean ¾-inch crushed stone at the cellar and slab-on-grade portion of the building, pre-cast pavers underlain by 1-foot of sand and 6-inches of clean ¾-inch crushed stone in the paved areas, ½ to 1-foot of gravel in gravel bed areas, and 2-feet of clean soil in landscaped areas.
15. Installation of a vapor barrier system consisting of a 20-mil GCP Florprufe 120 vapor barrier or OER-approved equivalent 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 to meet grade. All welds, seams, and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an EC 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 SSDS consisting of a network of horizontal pipes 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 4-inch cast iron riser pipes that penetrate the slab and travel through the building to the roof. The gas permeable layer will consist of a 6-inch-thick layer of #5 crushed stone. The active SSDS will be hardwired and will include

two blowers (FanTech FR 160 or similar appropriately sized blowers) installed on the roof line and a pressure gauge(s) and alarm(s) located in an accessible area in the basement or first floor. 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 final design of the SSDS will be provided to OER for review and approval in the Stipulation Letter prior to installation.

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, if needed, 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 ECs/ICs to be implemented at the Site.
21. Submission of a SMP in the RAR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of ECs and ICs and reporting at a specified frequency.
22. Recording of a declaration of covenants and restrictions (DCR) that includes a listing of ECs and ICs and a requirement that management of these controls must be in compliance with an approved SMP. ICs 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 remedies 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.

11/02/2024



Date

Miranda Fatolitis  
Project Manager

11/02/2024



Date

Shaminder Chawla  
Acting Director

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