



OFFICE OF ENVIRONMENTAL REMEDIATION

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New York, New York 10038

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Director

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NOTICE TO PROCEED
DOB Job Number NB 421779267

February 7, 2020

Re: 39-04 – 39-08 29th Street
Queens Block 398, Lots 26, 27
Hazardous Materials “E” Designation
E-218: Dutch Kills Rezoning and Related Actions - CEQR 08DCP021Q - 10/7/2008
OER Project Number 17EHAZ090Q / 19CVCP070Q

Dear Queens 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 that is 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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Shaminder Chawla
Deputy Director

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

February 7, 2020

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OER Project Number 17EHAZ090Q / 19CVCP070Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated February 2020 with Stipulation Letter dated February 3, 2020 for the above-referenced project.

The Plan was 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 January 27, 2020. There were no public comments. NYS DEC and NYSDOHMH were briefed on May 24, 2019.

Project Description

The proposed future use of the Site will consist of a single, new 6-story mixed-use building, which will include commercial uses on the ground floor and part of the second floor, 20 apartments on the second through sixth floors, and a full basement that will include utility rooms and 13 parking spaces. Layout of the proposed site development is presented on Figure 3. The current zoning designation is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses on 29th Street between 40th Avenue and 29th Avenue. The proposed use is consistent with existing zoning for the property. The footprint of the new building, including the basement, will cover the entire Site area. The redevelopment plan includes demolition of all existing buildings at the Site and excavation of the Site to a depth of approximately 12 feet below grade surface.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “39-04 29th Street” 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

The remedial action selected for the 39-04 29th Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

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. Selection of Restricted Residential Use (Track 2) 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 Restricted Residential Use (Track 2) SCOs. The entire footprint of the building area (about 100% of the property) will be excavated to a depth of approximately 12 feet below grade for development purposes. A small portion of property will be excavated to a depth of 15 feet below grade for foundation walls and elevator pits. Approximately 3,600 tons 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.
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, if required, 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 material as required by disposal facilities.
11. Collection and analysis of end-point samples to document that the remedy has attained Track 2 Restricted Residential Use SCOs.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. 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.
14. Dewatering is not anticipated, but if required, 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.
15. Implementation of storm-water pollution prevention measures 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 lists any changes from this RAWP.

If Track 2 Restricted Residential 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, construction of an engineered composite cover consisting of a minimum six-inch thick concrete building slab with an 8-inch clean granular sub-base beneath all building areas.
18. 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 intrusion into the building. The vapor barrier system will consist of a 20-mil Stego Wrap vapor barrier from Stego Industries, Inc. (or OER-approved equivalent) below the slab throughout the full building area and the same 20-mil vapor barrier outside all subgrade foundation walls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
19. As part of development, construction and operation of a cellar parking garage with high volume air exchange in conformance with NYC Building Code.

The remedies for Hazardous Materials “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.

2/7/2020



Date

Samantha Catalanotto
Project Manager

2/7/2020



Date

Shaminder Chawla
Deputy Director – Hazardous Materials

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