



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
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NOTICE TO PROCEED
DOB Job Number NB 421133641

August 16, 2021

Re: Newtown Creek Bud Site – South Block: 2-20 Malt Drive, 54-19 – 55-01 Second Street
Queens Block 11, Lot 3, Former Lots 1, 2, 3, 4
Hazardous Materials, Air Quality, and Noise “E” Designation
E-213: Hunter's Point South - CEQR 08DME006Q - 11/13/2008
OER Project Number 20EHAN191Q

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, Noise remedial action plan, and Air Quality 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 Anna Brooks at 212-788-7423.

Sincerely,

Maurizio Bertini
Assistant Director

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DECISION DOCUMENT

NYC E-Designation Remedial Action Work Plan Approval

August 16, 2021

Re: Newtown Creek Bud Site – South Block: 2-20 Malt Drive, 54-19 – 55-01 Second Street
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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2021 with Stipulation Letter dated August 2021 and the Remedial Action for Air Quality and Noise dated July 2021 for the above-referenced project.

NYSDEC was briefed on this site on July 8th, 2021.

Project Description

The proposed development project for the Site consists of the demolition of the existing building and construction of one new residential tower with open spaces (courtyards, walkways, and landscaping), and restoration of the existing shoreline and construction of a shore public walkway. The redevelopment calls for raising the Site grade, but Site-wide excavation for building foundation elements, utilities, and improvements along the Newtown Creek shoreline will extend to depths between approximately 2 and 6.5 feet below grade. Based on the scope of the proposed redevelopment project, it is anticipated that up to approximately 8,000 cubic yards (12,000 tons) of soil/fill will be removed from the Site. The proposed 34-story building will include 13,776 gross square feet (gsf) of commercial space, 579,842 gsf of residential space, a 17,144-gsf parking garage, 17,401 gsf of residential amenities and recreation space, and 38,770 gsf of mechanical and utilities space. The current zoning designations are R7-3 (residential) and C2-5 (commercial), and the Site is also located within the Special Southern Hunter's Point District (SHP). The proposed use is consistent with existing zoning for the property.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “Newtown Creek Bud Site (South Block)” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the Newtown Creek Bud Site (South Block) 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.
2. Implementation of a Community Air Monitoring Program (CAMP) for particulates and VOCs.
3. Selection of Site-specific (Track 4) SCOs.
4. Prior to mobilization for remediation/construction, completion of a pre-design investigation to delineate arsenic contamination in the north-central portion of the Site, where elevated concentrations of arsenic were detected in soil and groundwater (total and dissolved) at sample location RI-SB-30 (13 ft to 15 ft)/RI-MW-30 during the RI.
5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs, and marking & staking excavation areas.

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(ies).
7. Excavation and removal of soil/fill exceeding Site-specific (Track 4) SCOs. Based on the scope of the proposed redevelopment project, it is anticipated that up to approximately 8,000 cubic yards (12,000 tons) of soil/fill will be removed from the Site and properly disposed of at an appropriately licensed or permitted facility. The proposed project will include the following excavations:
 - a. Excavation of soil/fill that exceeds Track 4 Site-Specific SCOs to support construction of the foundation elements for the proposed building along the existing Newtown Creek shoreline, as part of construction of new parkland (lawns, pathways, and seating areas), and for construction of new wetland areas and restoration of the existing shoreline.
 - b. Excavation and removal of one soil/fill hotspot (Hotspot No. 1) with dimensions of approximately 10 feet square by 15 feet deep.
 - c. Excavation and removal of four soil/fill hotspots (Hotspot Nos. 2 through 5) each with dimensions of approximately 10 feet square by 12 feet deep.
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a photoionization detector (PID).
9. Management of excavated materials on-site, including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
10. Removal of any USTs encountered during soil/fill removal actions, including registration of tanks and reporting of any petroleum spills associated with the tanks, as well as appropriate closure of these petroleum spills in compliance with applicable local, state, and federal laws and regulations.
11. 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 the excavated media, as required by disposal facilities, will also be performed.
12. Collection and analysis of 30 confirmation end-point samples (20 sidewall end-point samples and 10 bottom end-point samples) to determine the performance of the remedy with respect to attainment of Site-specific (Track 4) SCOs.
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. Installation of an engineered composite cover system consisting of a minimum 6-inch-thick concrete building slab, and a combination of concrete or asphalt pavement and/or up to 2 feet of imported clean fill across exterior portions of the Site.
15. Installation of a waterproofing/vapor barrier system beneath the building slab and outside of sub-grade foundation sidewalls to mitigate the potential for soil vapor migration into the building. The waterproofing/vapor barrier system will consist of a minimum 20-mil (0.02-inch-thick) Grace Preprufe waterproofing/vapor barrier membrane beneath first floor building slabs, and a Grace Bituthene 4000 waterproofing/vapor barrier membrane applied to foundation sidewalls to grade (or equivalent products). All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
16. Installation of a passive venting system below the slab-on-grade building. The passive venting system will include a network of Schedule 40 4-inch-diameter slotted polyvinyl chloride (PVC) horizontal pipes set within a minimum 6-inch-thick gas permeable layer installed immediately beneath the concrete building slabs and vapor barrier. The slotted horizontal piping will transition to solid PVC piping, which will then transition to 4-inch-diameter galvanized steel piping at the slab penetration points. The galvanized steel pipes will be manifolded together on the first floor and will continue as two 8-inch galvanized steel pipe risers to the seventh and eighth floor roofs. The riser will terminate above the roofline with a wind-driven turbine at the top of each exhaust stack.
17. If necessary, dewatering conducted in compliance with city, state, and federal laws and regulations. Extracted groundwater will be either containerized for off-site licensed or permitted disposal or will be treated under a permit from the New York City Department of Environmental Protection (NYC DEP) or NYSDEC to meet pretreatment requirements prior to discharge to the combined or storm sewer system.
18. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations.
19. Establishment of Engineering Controls/Institutional Controls (ECs/ICs) in this RAP and a requirement that management of these controls must be in compliance with an approved Site Management Plan

(SMP). ICs will include prohibition of the following: (1) in-ground 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 with NYC OER approval; and (4) higher level of land usage without NYC OER approval.

20. Submission of a Remedial Closure Report (RCR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAP, and describes all ECs/ICs to be implemented at the Site.
21. Submission of an approved SMP in the RCR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection, and certification of ECs/ICs, and reporting at a specified frequency.
22. The Site will continue to be registered with an E-Designation at the New York City Department of Buildings (NYC DOB).

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the Newtown Creek Bud Site (South Block) site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating and hot water. Domestic hot water will be provided by two gas-fired PVI Power Plus 75LX225A-PVX hot water heaters, each rated at 750 MBH. Space heating will be provided by four gas-fired Cleaver Brooks CFCe6000 boilers, each rated at 6,000 MBH. One Tecogen INV-125 Ultra cogeneration unit rated at 1,455 MBH will provide power to the building and capture heat for hot water for both the residential and commercial spaces. A gas connection for a future kitchen in the commercial spaces will be provided. Heating and hot water systems for the commercial spaces will be connected to the building systems. Remaining systems, including HVAC systems, will be powered electrically. Emergency power will be provided by one 750 KW gas-fired emergency generator. This generator will only operate for testing purposes, outside of an emergency condition due to a loss of utility power. The emergency generator will be tested once a month for 30 minutes.

In order to satisfy the requirements of the E-Designation, the stack for the hot water heaters will be located on the roof at a height of 393 feet above grade. The stack for the hot water heaters will be located on the roof at a height of 393 feet above grade. The stack for the boilers will be located at a height of 386.16 feet above grade. The stack for the cogeneration equipment will be located at 99.16 feet above grade. The stack for the cogeneration equipment will be located 382 feet from the north line of the lot (54th Avenue) and 58 feet from the west line of the lot (2nd Street). The exhaust for the Energy Recovery Unit (ERU) on the 7th floor roof is located at a minimum height of 90 feet above grade. The exhaust for the ERU on the 7th floor is located 420 feet from the north line of the lot (54th Avenue) and 29 feet from the west line of the lot (2nd Street). The ERU on the 34th floor is located at a minimum height of 374 feet above grade.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the Newtown Creek Bud Site (South Block) site are as follows:

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

1. 30 dBA in residential spaces;
2. 25 dBA in the commercial space based on 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 Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses;
3. 30 dBA for windows from 101 - 200 feet above street level based on a reduction of 3 dBA from the projected street-level L_{10} value of 74 to 71;
4. 25 dBA for windows from 201 - 400 feet above street level based on a reduction of 6 dBA from the projected street-level L_{10} value of 74 to 68.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Facades Residential windows Amenity space windows	31 (required 30)	See representative ASTM E-90 Lab Test Report and a commitment to provide OER with an ASTM E-90 Lab Test Report for the proposed window prior to purchase and installation.	2250i INVENT, Type TJ Aluminum Frame Window, Wausau Window and Wall Systems, U408	5/16"; 3/8" Argon Filled; 1/4"; 7/16" Argon Filled; 1/4"
All Facades Residential terrace doors	34	See representative ASTM E-90 Lab Test Report and a commitment to provide OER with an ASTM E-90 Lab Test Report for the proposed terrace doors prior to purchase and installation.	TD 4250i Series Terrace Door, Wausau Window and Wall Systems	1/4" exterior lite; 1/2" air space; 5/16" interior lite
All Façades 1 st Floor commercial spaces and 6 th Floor amenity space - nana wall at south elevation of tower	28 (required 25)	See representative ASTM E-90 Lab Test Report and a commitment to provide OER with an ASTM E-90 Lab Test Report for the proposed window prior to purchase and installation.	Curtain wall with 1-1/8" IG, Lynbrook Glass and Architectural Metals Corporation	1/4" heat strengthened exterior; 1/2" air space [Technoform spacer]; 3/8" heat strengthened 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. **Trickle Vents:** Trickle vents manufactured by Trimvent (model # TV90-250) shall be provided in living rooms, bedrooms and OHR in each unit's windows accessory via façade system integration. The trickle vents shall provide alternate means of ventilation to all bedrooms and living rooms. Floor plans showing the locations of trickle vents are included in Appendix J. Heating and cooling will be provided to residential spaces via water cooled hydronic heating and air conditioning vertical units and ventilation will be provided via operable windows and trickle vents.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and all public spaces such as the Building Lobby, Playroom, Lounge, Leasing Office, Fitness Center and Club room located in the base of the building in accordance with the 2014 NYC Mechanical Code by connecting all water cooled DX units with ducted fresh air via louvered openings.

The remedies for Hazardous Materials, Air Quality, 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.

8/16/2021

Date


Anna Brooks
Project Manager

8/16/2021



Date

Maurizio Bertini
Assistant Director

8/16/2021



Date

Shaminder Chawla
Deputy Director

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