OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Shaminder Chawla
Acting Director
Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number 421134178

November 1, 2023

Re: 20-47 Nameoke Avenue - Phase 5, Phipps Houses Far Rockaway Phase 5, Buildings E & F
Queens Block 15537, Lots 65, 71, 100, 1 (partial), 63 (partial)
Hazardous Materials, Air Quality, and Noise "E" Designation
E-415: Downtown Far Rockaway Redevelopment Project - CEQR 16DME010Q - 9/7/2017
OER Project Number 21EHAN253Q / 23CVCP011Q

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 Numbers. This correspondence is provided pursuant to OER's responsibilities as established in Subchapter 7 of Chapter 14 of Title 43 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 §43-1474 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 Kestana Anokye at 212-788-8319.

Sincerely,

Shaminder Chawla
Acting Director

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

November 1, 2023

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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 October 2023 with Stipulation Letter dated October 2023 and the Remedial Action Plan for Air Quality and Noise dated for the above-referenced project.

These Plans were 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 11/13/2022. There were no public comments.

Project Description
The development project consists of two new mixed-use buildings known as Building E and Building F. Proposed Building E consists of an approximate 27,000 square foot building that varies in height from 4-stories to 12-stories and contains a central courtyard area. The building shall be used for mixed-use residential affordable housing with 252 units on floors 1 through 12. The ground floor shall include tenant amenities, residences, lobby, service space, and community space. A portion of the building will contain a 43-stall below grade parking garage that will extent to approximately 12-feet 6-inches below grade. Excavation for the basement will occur from the central portion of the building and east. The western portion of the building will not contain a basement.

Proposed Building F consists of an approximate 12,000 square foot building that varies in height from 6-stories to 12 stories in height and contains a courtyard area. The building shall be used for mixed-use, residential, affordable housing with units on floors 1 through 12. The ground floor shall include tenant amenities, lobby, service space, and community space. The building will not contain a basement.

Statement of Purpose and Basis
This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "20-47 Nameoke Avenue - Phase 5" 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 20-47 Nameoke Avenue - Phase 5 site is protective of public health and the environment. The elements of the selected remedy are as follows:

Remedial Plan: Environmental study is complete and a cleanup plan is available for public comment. 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. 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 Unrestricted Use (Track 1) SCOs. The entire site shall be excavated approximately 3-feet below grade.
    - The entire footprint of Building F and associated courtyard, sidewalk and driveways/roadways will be excavated to a depth of approximately 3 feet below grade for development purposes.
    - The partial cellar of Building E will be excavated to a depth of 12 feet 6 inches for the parking garage. The remainder of the property including courtyard, sidewalk, and driveways/roadways will be excavated to approximately 3 feet below grade. A small portion of the property will be excavated to the depth of approximately 8 feet below basement grade for the elevator pits.
    - Approximately 28,420 tons of soils shall be removed from the Site. Approximately 16,858 tons of soil shall be removed from Building E, 2,383 tons of soil shall be removed from Building F, and 9,179 tons of soil shall be removed as part of sidewalk and driveway/roadway construction. All soils will be 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 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 13 end-point samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs. Seven end-point samples will be located within the Building E footprint and four end-point samples will be located within the Building F footprint. Two end-point samples will be located within the driveway/roadway known as Village Way.
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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Construction of an engineered composite cover consisting of the following:
    - **Concrete Building Slab On-Grade** consisting of a 6" poured concrete slab at grade followed by a Vapor barrier (Preprufe 300R), 6" gravel or porous layer over compacted sub-grade.
    - **Concrete Sidewalk** consisting of 6-inch poured concrete at the surface followed by a 6-inch ASTM Coarse aggregate NYCDOT Type 1, grade B, over stable compacted subgrade.
    - **Gravel Path** consisting of 4 inches of stone screenings at the surface followed by a filter fabric and 6 inches of compacted stone that rest upon compacted subgrade.

- **Precast Concrete Pavers** consisting of precast concrete prest paver – type 2 at the surface followed by a 1 inch bituminous setting bed, 4 inch cast in place concrete slab, and a 6 inch compacted crushed stone base that rest upon compacted subgrade.
- **Precast Concrete Paver on Structure** consisting of precast concrete prest paver – type 2 at the surface followed by a 1 inch bituminous setting bed, 4 inch cast in place concrete slab, and a compacted crushed stone base that rests upon a water proofing and roof slab.
- **Precast Concrete Permeable Paver** consisting of a precast concrete permeable paver – type 2 at the surface followed by a 1.5 inch setting bed consisting of compacted crushed stone (ASTM #8), 4 inch leveling course consisting of compacted crushed stone (ASTM #57), 1 feet 4 inches of permeable sub-base consisting of an aggregate compacted crushed stone (ASTM #2) that rests upon a compacted subgrade.
- **Resilient Play Surface** consisting of a ½ inch EPDM wearing surface followed by a 2.5 inch SBR base course, a structural foam base, 1 feet 4 inches of permeable sub-base aggregate compacted crushed stone (ASTM 2) that rests upon compacted subgrade.
- **Synthetic Turf Lawn** consisting of synthetic turf play surface followed by a 1 inch safety foam backing, 2 inches of stone fines, compacted subgrade material that rests upon water proofing and roof slab.
- **Planting Bed at Grade** consisting of 2 inches of mulch at the surface followed by planting bed mix type 1, 6 inches of compacted crushed stone drainage that rests upon compacted subgrade.
- **Planting Bed on Structure** consists of 2 inches of mulch at the surface followed by planting bed mix type 2, subgrade material and a drainage board that rests upon water proofing and roof slab.

16. Installation of a vapor barrier system consisting of a vapor barrier beneath the building slabs and outside of sub-grade foundation sidewalls to meet grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 46-mil GCP Preprufe® 300R Plus vapor barrier below the slabs throughout the full building areas and a 32-mil Grace Preprufe 160 R Plus 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.
17. Installation of an active sub-slab depressurization system (SSDS) for both Buildings E and F consisting of multiple networks of horizontal pipe set in the middle of a gas permeable layer (gravel) immediately beneath the building slab and the vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated, schedule 40 4-inch PVC pipe connected to a 4-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 1.5-inch crushed stone. The pipe will be finished at the roof line with a 4-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include a Fantech Rn2 Inline Radon Fan 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.
18. In Building E, construction and operation of a cellar-level parking garage with high volume air exchange in conformance with NYC Building Code.
19. 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.
20. Submission of an approved Site Management Plan (SMP) in the Remedial Action Report (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.
21. 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.

22. Placement of a deed restriction on the property to document the installation of, and continued operation of, an active SSDS system. The deed restriction may be removed if OER determines that the active SSDS system has achieved its goals and is no longer warranted.

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the 20-47 Nameoke Avenue - Phase 5 site are as follows:

Building E

Fuel Type

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for the RTUs for corridor ventilation, boilers, domestic water heaters and the Emergency Generator. The remaining systems including space heating in the units (with VRF systems) will be powered electrically. A copy of the stamped gas riser diagram are provided in Appendix F. A copy of the stamped Mechanical Equipment Schedule and Specifications are provided in Appendix H (Sheets M-300, M-301, P-300).

In order to satisfy the will be used. TurboPower 96 Hot water heaters by PVI Industries, Inc. with low NOx burners will be used requirement to use low NOx (< 30 ppm) burners, Benchmark 750-6000 boilers with low NOx burners manufactured by Aerco. Manufacturer's specifications demonstrating that the burner achieves this standard are included in Appendix E.

Stack Location

In order to satisfy the requirements of the E Designation, 4 Total: (2) 6" Diameter Combustion Air Ducts & (2) 6" Diameter Boiler Flues will be located on the roof in a cluster at a height of 139'-6". The Stacks will be located 59 feet from the building face facing Bayport Place/ Elaine Short Way to the south. The north lot line is closest to Nameoke Street, the east lot line is closest to Redfern Avenue, the south lot line is closest to Bayport Place Ext/Elaine Short Way, and the west lot line is closest to Village Lane.

Building F

Fuel Type

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for the RTUs for corridor ventilation, boilers, domestic water heaters and the Emergency Generator. The remaining systems including space heating in the units (with VRF systems) will be powered electrically.

In order to satisfy the requirement to use low NOx (< 30 ppm) burners, Benchmark 750-6000 boilers with low NOx burners manufactured by Aerco will be used. TurboPower 96 Hot water heaters by PVI Industries, Inc. with low NOx burners will be used.

Stack Location

In order to satisfy the requirements of the E Designation, 4 Total: (2) 6" Diameter Combustion Air Ducts & (2) 6" Diameter Boiler Flues will be located on the roof in a cluster at a height of 143'-8". The cluster of 4 stacks will be located 38 feet from the lot line along Bayport Place/Elaine Short Way. The north lot line is closest to Nameoke Street, the east lot line is closest to Village Lane, the south lot line is closest to Bayport Place/Elaine Short Way, the west lot line is closest to Augustina Avenue.

The furthest edge of the Building D bulkhead as designed is 69 feet from Bayport Place Ext. so the stacks were not able to be placed greater than 69 feet. The stacks will be installed 15 feet taller than the requirement and 12 feet taller than surrounding buildings.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 20-47 Nameoke Avenue - Phase 5 site are as follows:

The following windows will be installed:

Façade **Floor Range** **Use**	**OITC Rating**	**OITC Certification**	**Manufacturer and Model**	**Glazing**
• Southwestern 1st – 8th • Western - Floors 1st – 10th • Residential • Eastern (Augustina) 2nd – 10th floors	34 (required 31 dBA)	ASTM E-90 Lab Test Report D0183.01-113-11	Series 4500 Tilt Turn Window ReHau Construction LLC	G2: 1-1/4" IG (1/4" annealed exterior, 3/4" air space, 1/4" laminated interior),
Façade • Northern (Augustina) 2nd – 10th floors • Western - Floors 1st – 10th • Southwestern 1st – 8th • Southern Elevation (Bayport) – Floors 1st – 12th • Eastern (Augustina) 2nd – 10th floors • Southern – 1st – 12th floors • Northern (courtyard) – 2nd – 6th floors • Northern (courtyard) – 2nd – 6th floors Residential	28 (required 28 dBA)	ASTM E-90 Lab Test Report 97200.01-113-11	Model 4561 Tilt Turn Window ReHau Construction LLC	G1: 1-5/16" IG (1/4" annealed exterior, 7/8" air space, 3/16" annealed interior)
• Northern – Floors 5th – 12th Residential	34 (required 31 dBA)	ASTM E-90 Lab Test Report D0183.01-113-11 and letter from manufacturer	Series 4500 Fixed Window ReHau Construction LLC	1-1/4" IG (1/4" annealed exterior, 3/4" air space, 1/4" laminated interior),
• Western (village) - Floors 2nd – 10th floors • Southern Elevation (Bayport) – Floors 1st – 12th • Eastern (Augustina) 2nd – 10th floors • Western (courtyard) – 2nd – 12th floors • Southern & northern (courtyard) – 1st – 12th floors	28 (required 28 dBA) No Attenuation Requirement	ASTM E-90 Lab Test Report 97200.01-113-11 and letter from manufacturer	Model 4561 Fixed Window ReHau Construction LLC	G1: 1-5/16" IG (1/4" annealed exterior, 7/8" air space, 3/16" annealed interior)

Façade **Floor Range** **Use**	**OITC Rating**	**OITC Certification**	**Manufacturer and Model**	**Glazing**
• Southeastern (courtyard) – 1st – 8th floors Residential				
Western – 1st Floor Southern Elevation (Bayport) – 1st Floor Eastern (Augustina) 1st floor Western (courtyard) – 1st Floor Southern & Northern (courtyard) – 1st floor Residential Lobbies, Amenity, Community Facility Commercial	31 (required 28 and 31 dBA)	See ASTM E-90 acoustical report M8676.01-113-11-R0	GAMCO CW50 Four-Lite Curtain Wall	1-3/16" IG (1/4" annealed exterior, 1/2" air space, 7/16" laminated interior)

The applicant commits to demonstrating that the selected manufacturer's window products achieve the minimum OITC requirement outlined in the table above. For fixed/operable windows that do not have the specific ASTM E90 test on file, a mockup will be laboratory tested as per ASTM E90 guidelines to demonstrate compliance with the minimum OITC requirement will be required before purchase/installation.

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

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.

Alternate Means of Ventilation

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. **Cooling & Heating:** All residential apartments & amenity areas will be served by dedicated air-cooled Variable Refrigerant Flow (VRF) heat pump units, manufacturer Mitsubishi. Evaporator sections will be located within the space or located within dedicated mechanical rooms. Condenser sections, models PUHY-P72TNU-A , PUHY-P96TNU-A, PUHY-EP96TNU-A, PUHY-P120TNU- A, PUHY-EP120TNU-A, PUHY-P144TNU-A, PUHY-EP144TNU-A, PUHY-P168TNU-A, PUHY-EP168TNU-A, PUHY-P192TSNU-A, PUHY-EP192TSNU-A, and PUHY-EP216TSNU-A will be located on the roofs.

Fresh air will be provided to all bedrooms and living rooms via trickle vents at windows. Electric toe heaters will be provided in the living area of dwelling units with two or more windows, to provide supplemental heating to parts of the space that are further from the VRF unit. Installing model QTS-1500T, manufactured by QMark in all spaces that require supplemental heating.
Electric radiant floor mats, model F1818 will be provided in educational room and fitness room to allow for supplemental heating near the exterior windows in wintertime.
Mechanical spaces and storage rooms shall be protected from freezing temperatures by electric heaters, model F2F5103N manufactured by Markel Products Company. Stairwells with an exterior exposed wall will be provided with the same heater, installed on every other floor starting on 1st floor through roof.
Heating in vestibules will be provided via electric unit heaters with automatic controls configured to shut off the heating system when outside temperatures are above 45 F. Corridors with an exterior door leading to a terrace will be provided with the same heating system, located near the door. The manufacturer will be Markel Products Company, model E3055TDWB. The same unit will be provided for bike storages.
Corridors with exterior glazing will be protected from freezing by electrical baseboards located underneath the windows. Installing model SB-2250 manufactured by Runtal in all applicable corridors. Equipment in elevator machine rooms, telecom rooms and compactor rooms will be protected from overheating by refrigerant split DX units, manufacturer Mitsubishi. The indoor units, model PKA-A30KA7.TH will be located within the space it serves, and the outdoor units, model PUY-A30NHA7will be located on the roofs.

2. **Service Water Heating:** Two hot water heaters for the generation of domestic hot water to the building, manufactured by PVI Industries, will be fired by natural gas and located in rooftop mechanical room.
3. **Ventilation:** One HVAC rooftop unit, manufactured by AAON, will be fired by natural gas and will be located on the roof. This packaged HVAC rooftop unit will provide tempered outside air to the corridors. All apartments will be ventilated by trickle vents provided for outside air intake at every living room and bedroom windows. All shared & amenity areas will be ventilated by Energy Recovery Ventilators (ERV), manufactured by Renewaire. Manufacturer specifications show the fresh air intakes for the ERV units. The ERV units comply with local energy code efficiency requirements and provide balanced air flow. The units can be operated by user to provide outdoor air along with providing heating and cooling.
4. **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, 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.

11/1/23

Date

Kestana Anokye
Project Manager

11/1/2023

Date

Shaminder Chawla
Acting Director

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