



OFFICE OF ENVIRONMENTAL REMEDIATION

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

May 20, 2022

Re: 2715 Fulton Street: 2701-2715 Fulton Street; 64-70 Wyona Street
Brooklyn Block 3662, Lots 48, 49 & 52
Hazardous Materials and Noise “E” Designation
E-366: East New York - CEQR 15DCP102K - 4/20/2016
OER Project Number 22EH-N211K / 22CVCP068K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated March 2022 with Stipulation Letter dated May 18, 2022 and the Remedial Action Plan for Noise dated May 12, 2022 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 April 27, 2022. There were no public comments.

Project Description

The redevelopment project consists of constructing an 8-story mixed use building at the site. The proposed new building will be L-shaped with a setback along the sidewalk to the south, and an at grade rear yard on the northwest portion of the site. The cellar will be used for storage, utilities and services associated with the residential units on the first through eighth floors. The first floor will consist of residential space including apartments, a lobby, common corridors, stairwells, and retail space. The second through eighth floors will include residential space on each level.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “2701-2715 Fulton Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 7 and the Zoning Resolution and §43-1474 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the 2701-2715 Fulton Street 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
2. Participation activities according to an approved Citizen Participation Plan;
3. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds;
4. Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs);
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. A Waste Characterization

Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action;

7. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, excavation to a depth of 11 ft across a 5,688.58 SF area will be required for the installation of the cellar foundation. Additional excavations to 16 feet will be required for the elevator pit. There is a 12-foot cellar setback on the north and an 18.5 feet setback on the south side. These areas will be excavated on a 1:1 slope to a depth of 11 feet. The sloped excavation will begin from the lot line. Approximately 2,785 cubic yards / 4,175 tons of soil will be from the Site and properly disposed of at an appropriately licensed or permitted facility;
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. Removal of any underground storage tanks 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;
11. Transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and the RAWP. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site;
12. Collection and analysis of five site-wide post excavation end-point samples (EP1 - EP5) across the building footprint to determine the performance of the remedy with respect to attainment of Track 4 Site Specific SCOs. All collected site-wide endpoint soil samples will be analyzed for lead and mercury to determine if Track 4 Site-Specific SCOs can be achieved. If Track 1 Unrestricted Use or Track 2 Restricted Residential SCOs are proposed following completion of excavation, then the endpoint samples would be analyzed for VOCs, SVOCs, PCBs, pesticides and metals;
13. Import of materials to be used for backfill and cover in compliance with the RAWP and in accordance with applicable laws and regulations. Backfill will be required in the north and south sides of the Site in the setback areas to be excavated on a 1:1 slope to a depth of 11 feet. Approximately 1,000 tons of soil will be needed;
14. Construction and maintenance of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site:
 - a. The cellar will be capped with a 6-inch-thick concrete slab underlain with Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system and 6-inches of 3/4" bluestone underlain by residual soil
 - b. The setback area on the south side along Fulton Street and the rear yard in the northwest of the Site will be capped with a 6-inch concrete slab and underlain by residual soil and,
 - c. The at-grade portions of the proposed building will be capped with a 6-inch-thick concrete slab underlain by Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system and 6-inches of 3/4" bluestone underlain by residual soil;
15. Installation of a vapor barrier system beneath the entire building slab, elevator pit and behind all foundation sidewalls to grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system or equivalent system. 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 Remedial Action Report (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building;
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
18. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and lists any changes from the RAWP;

19. Submission of an approved Site Management Plan (SMP) in the 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; and,
20. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in the RAWP and a requirement that management of these 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 2701-2715 Fulton Street site are as follows:

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

1. 37 dBA for all facades;

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades All Floors Residential Use	37 (37 required)	ASTM E-90 Lab Test Report, Intertek report number J5841.01-113-11-R1; Option J5841.01N	Intus Windows Supera Awning AW Casement Window W1, W2, W4, W5 and D3	38.38 mm (1 ½”) IG (8.38 mm (5/16”) laminated exterior, 20 mm (13/16”) argon, 10 mm (3/8”) annealed interior
All Façades All Floors Commercial and Residential Use	37 (37 required)	ASTM E-90 Lab Test Report, Intertek report number J4756.01-113-11-R0; Option J4756.01D	Vistaza Inc Windows Vi6 Series Fix Fixed Window W1, W2, W3, W4, W5, W6, D1, D2 and D3	1 1/2” IG (5/16” laminated exterior, 13/16” argon, 3/8” laminated interior)
Fulton Street (Front), Jamaica Avenue (Rear) Wyona Street (Front on Wyona) and side Facades All Floors Commercial and Residential Use	37 (37 required)	ASTM E-90 Lab Test Report for Vi6 Series Patio Doors, Intertek report number J4760.01-113-11-R0; Option J4760.01D	Vistaza Inc Balcony and Entrance Doors D1, D2 and D3	1 1/2” IG (5/16” laminated exterior, 13/16” argon, 3/8” laminated 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:** Installing EMM trickle vents manufactured by Aereco in each bedroom and each living room. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by a dedicated 3 ton condensing unit (model FXAQ09PVJU, FXAQ09PVJU or FXAQ12PVJU) with wall mounted air handlers connected to it.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces, recreational spaces, and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials and Noise E Designations described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

May 20, 2022



Date

Shirley Chen
Project Manager

May 20, 2022



Date

Sarah Pong
Assistant Director

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