



OFFICE OF ENVIRONMENTAL REMEDIATION

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March 20, 2013

Oliver Select
Tibetan LLC
417 Lafayette Street
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Matt Boeckel
Tyree Environmental Corp.
208 Route 109
Farmingdale, New York 11735

Re: **NYC VCP Remedial Action Work Plan Approval**
131 Berry Street
Block 2327, Lots 5
VCP Project # 13CVCP112K / OER Project # 12EHAZ318K

Dear Mr. Select:

The New York City Office of Environmental Remediation (OER), in consultation with the New York City Department of Health and Mental Hygiene (DOHMH), has completed its review of the Remedial Action Work Plan (RAWP) and Stipulation List for the 131 Berry Street, VCP Project # 13CVCP112K, dated March 18, 2013. The Plan was submitted to OER under the NYC Voluntary Cleanup Program (VCP). The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on February 27, 2013. There were no public comments.

The following remedial action elements will be implemented at the project site:

Statement of Purpose and Basis

This document presents the remedy for a Voluntary Cleanup site known as "131 Berry Street" site. This document is a summary of the information that can be found in the site-related reports and documents in the document repository at OER's website: <http://www.nyc.gov/oer>

The New York City Office of Environmental Remediation (the Office or OER) has established a remedy for the above referenced site. The disposal or release of contaminants at this site, as more fully described

in this document, has contaminated various environmental media. Contaminants include hazardous substances.

The decision is based on the Administrative Record of the New York City Office of Environmental Remediation (the Office or OER) for the 131 Berry Street Site and the public's input to the proposed remedy presented by the Office.

Description of Selected Remedy

The remedy selected for this 131 Berry Street Site is Track 4 remedy and includes soil excavation, cover system, vapor barrier installation and active sub-slab depressurization system.

The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and implementation of all required NYC VCP Citizen Participation activities according to an approved Citizen Participation Plan.
2. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establish Track 4 Soil Cleanup Objectives.
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Excavation and removal of soil/fill exceeding SCOs, including a hotspot area identified in the exterior rear yard. Excavation for development purposes to a depth of approximately 8 feet in the area of the existing building area and less than 1 foot in the exterior yard area.
6. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
7. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
8. 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 this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media onsite.
9. Installation of a 20 mil vapor barrier (Vaporblock Plus, model VBP20) beneath the structure's slab and along foundation sidewalls.
10. Installation and operation of an active sub-slab depressurization system.
11. Construction and maintenance of an engineered composite cover including the concrete building slab, and asphalt pavement or one foot of clean soil and paving stones in outdoor areas. The cover will prevent human exposure to residual soil/fill remaining under the Site;
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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
15. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.

16. 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.
17. Continued registration as an E-Designated property and listing of Engineering Controls and a requirement that management of these controls must be in compliance with an approved SMP; and Institutional Controls including 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.

Remedial activities will be performed at the Site in accordance with this OER-approved RAWP. All deviations from the RAWP will be promptly reported to OER. Changes will be documented in the RAR.

This remedy conforms to the promulgated standards and criteria that are directly applicable, or that is relevant and appropriate and takes into consideration OER guidance, as appropriate. The remedy is protective of public health and the environment.

3/18/13

Date



Shaminder Chawla
Assistant Director

SITE BACKGROUND

Location:

The Site is located at 131 Berry Street in Brooklyn, New York and is identified as Block 2327, Lots 5 on the New York City Tax Map. Figure 1 shows the Site location.

Site Features:

The Site is 8,500-square feet and is bounded by North 7th Street to the north, a commercial building to the south, residential apartment buildings to the east, and Berry Street to the west. Currently, the Site is vacant and contains one (1) one-story building which measures 2,460 square feet the remainder of the property is undeveloped. The topography of the Site and its vicinity is generally level. The surrounding property uses are predominantly residential and commercial.

Current Zoning/uses:

The current zoning designation is R6B-General Residence District. The proposed use is consistent with existing zoning for the property.

Historical Use:

The Site was originally developed sometime prior to 1887 with five (5) residential dwellings and one (1) store building. By 1951 the Site was improved with only three (3) residential dwellings and the one (1) store building. By 1965 the site was developed for use as a gasoline “filling station” and remained as such until approximately 2000 when the underground storage tanks (USTs) were removed. The site has remained mostly unoccupied since that time.

Summary of Environmental Findings:

1. Elevation of the property is approximately 35 feet above mean sea level.
2. Depth to groundwater ranges from 26.40 to 29.71 feet at the Site.
3. Groundwater flow is generally from east to west beneath the Site.
4. Depth to bedrock varies from approximately 15 to 30 feet at the Site.
5. The stratigraphy of the site, from the surface down, consists of 15 feet of brown medium to fine sands with some clay and cobbles.

A site location map is attached as Figure 1.

PROPOSED DEVELOPMENT PLAN

The proposed future use of the Site will consist of a restaurant with seasonal exterior areas for dining. The current building rests on a poured concrete slab foundation. As part of the redevelopment the interior slab is going to be removed and approximately 15,440 cubic feet (ft³) of soil from below the current slab will be removed. The proposed final depth of the basement area is eight (8) feet bgs. The exterior surface will be completed with asphalt pavement or on foot of clean soil and paving stones. Approximately 3,600 ft³ of soil will be removed from the exterior areas.

The remedial action contemplated under this RAWP may be implemented independently of the proposed redevelopment plan.

SUMMARY OF REMEDIAL INVESTIGATION

The Remedial Investigation was conducted on July 26, 2012. A full Remedial Investigation Report is available online in the document repository and the results are summarized below.

Nature and Extent of Contamination:

Soil: VOCs were not detected above Unrestricted Use SCOs in any of the soil samples collected. Tetrachloroethene (PCE), Trichloroethene (TCE), and TCA were not detected in any soil sample. Several SVOCs including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene were detected above Track 1 Unrestricted Use SCOs in one shallow soil sampling location. Of these, benzo(a)anthracene, benzo(a)pyrene and dibenzo(a,h)anthracene also exceeded track 2 Restricted Use Commercial SCOs. Total concentrations of these SVOCs ranged from 687 ppb to 5,870 ppb. Two pesticides, 4,4'-DDE (maximum of 161 ppb) and 4,4'-DDT (maximum of 272 ppb) were detected above their respective Track 1 Unrestricted Use SCO values in two shallow soil samples, but were below Track 2 Restricted Use Commercial SCOs. Metals including lead (485 ppm), mercury (0.71 ppm), nickel (54 ppm) and zinc (156 ppm) were detected at concentrations above track 1 Unrestricted Use SCOs in shallow borings. None of these concentrations exceeded Track 2 Restricted Use Commercial SCOs. Deeper soil samples were all below Unrestricted Use SCOs for all contaminants.

Groundwater: Groundwater samples collected during the RI showed that methylene chloride was detected in one groundwater sample at a concentration of 5.16 ppb, which is above its GQS of 5.0 ppb. One chlorinated VOC, tetrachloroethene (PCE) was detected at 6.88 ppb, above its GQS. TCE was detected at 2.99 ppb. TCA and carbon tetrachloride were not detected in any groundwater samples. SVOCs, pesticides and PCBs were not detected in any groundwater sample. Metals including iron, magnesium, manganese and sodium were detected above GWQS in all dissolved groundwater samples.

Soil vapor: Several chlorinated and petroleum related VOCs were detected above the NYSDOH guidance values in all three soil vapor samples. Ethanol (855 ug/m³), Hexane (54 ug/m³), propylene (1960 ug/m³) and toluene (43 ug/m³) were detected in soil vapor. Chlorinated VOCs were detected above NYSDOH guidance values in all soil vapors and included Carbon disulphide (detected at a maximum value of 57 ug/m³), Tetrachloroethylene, (PCE) ranged from 106 ug/m³ to 2,380 ug/m³ and Trichloroethylene (TCE) ranged from 4 ug/m³ to 98.3 ug/m³. Vinyl Chloride was not detected in any sample.

Figure 1: Site Map

