



**OFFICE OF ENVIRONMENTAL REMEDIATION**  
100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Daniel Walsh, Ph.D.**  
**Director**  
Tel: (212) 788-8841  
Fax: (212) 312-0885

## **DECISION DOCUMENT**

### **NYC VCP and E-Designation Remedial Action Work Plan Approval**

May 7, 2015

Re: **108 Frost Street**  
**Brooklyn Block 2738, Lot 15**  
**Hazardous Materials “E” Designation**  
**E-138: 5/11/2005 Greenpoint-Williamsburg Rezoning - CEQR 04 DCP 003K**  
**OER Project Number 15EHAZ276K / 15CVCP081K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated March 2015 with Stipulation Letter dated March 2015. 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 April 23, 2015. There were no public comments.

#### **Project Description**

The development project consists of redeveloping the lot with a new 5-story residential apartment building with a full cellar level and a landscaped rear yard. The cellar level will consist of two open cellar areas for the 1st floor tenants, a mechanical room, stairwells, an elevator, two bathrooms, and a laundry area. The first floor consists of the residential lobby, as well as two residential apartments. Floors 2 through 5 will consist of residential apartments.

#### **Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation/Restrictive Declaration Program project known as “108 Frost 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 for Hazmat**

The remedial action selected for the 108 Frost 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 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 Site-Specific (Track 4) Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.

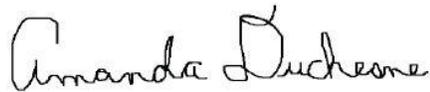
5. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the first 65 feet of the lot will require excavation to a depth of approximately 6 feet below grade for the building cellar level. Additional excavation of the top 2 feet will be performed across the rear of the lot for a landscaped rear yard. Approximately 640 tons of soil will be removed.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site.
8. Management of excavated materials including temporarily stockpiling and segregating to prevent co-mingling of contaminated material and non-contaminated materials.
9. Removal of underground storage tanks (if encountered) and closure of petroleum spills (if evidence of a spill/leak is encountered during Site excavation) in compliance with applicable local, State and Federal laws and regulations.
10. 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 on-Site.
11. Collection and analysis of three end-point samples to determine the performance of the remedy with respect to attainment of 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. Placement of demarcation layer in the rear yard area.
14. Installation of a passive Sub-Slab Depressurization System (SSDS) with monitoring ports. The SSDS system will be installed in the gravel layer beneath the new building slab if groundwater is not encountered during excavation.
15. Installation of a waterproofing membrane/vapor barrier system below the cellar level's concrete slab as well as behind all foundation walls of the proposed building. The waterproofing membrane/vapor barrier system will consist of the Preprufe 300R system as manufactured by Grace or equivalent system. Preprufe 300R is a 1.2 mm (0.046 in) thick HDPE film with a pressure sensitive adhesive that bonds to the poured concrete.
16. Construction and maintenance of an engineered composite cover consisting of the 6 inch thick concrete cellar slab under the footprint of the new building and two feet thick clean soil cap in the rear yard areas to prevent human exposure to residual soil/fill remaining under the Site.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
19. 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 describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.

20. 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.

21. The property will continue to be registered with an E-Designation by 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.

The remedy for Hazardous Materials 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.

March 7, 2015



---

Date

---

Amanda Duchesne, Project Manager

March 7, 2015



---

Date

---

Shaminder Chawla, Deputy Director

cc: Joel Berkowitz, 108 Frost LLC – [joberkowitz@gmail.com](mailto:joberkowitz@gmail.com)  
Kevin Brussee, Environmental Business Consultants – [kbrussee@ebcincny.com](mailto:kbrussee@ebcincny.com)  
Michael Avramides, R.A. – [mca@avramides.com](mailto:mca@avramides.com)  
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore, A. Duchesne,  
PMA-OER