



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**

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

October 21, 2015

Re: 843-847 Lexington Avenue  
Brooklyn Block 1623, Lot 73  
Hazardous Materials, Air Quality, and Noise “E” Designation  
E-285: October 11, 2012 Bedford Stuyvesant North Rezoning - CEQR 12DCP156Y  
OER Project Number 15EHAN305K / VCP Number 15CVCP088K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated October 2015 with Stipulation Letter dated September 2015 and the Remedial Action Plan for Air Quality dated April 2015 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 July 8, 2015.

**Project Description**

The proposed future use of the Site will consist of a new 7-story mixed-use building with a partial cellar. The first floor will contain a 2,194 square foot (sf) retail space, a residential lobby, a vestibule, package storage room, refuse room, two bathrooms, an elevator, stairwells, a residential corridor, and a rear 21-car private parking garage. A portion of parking garage will be covered by the second floor. The second through sixth floors will consist of residential apartments. The seventh floor will feature a recreation room, bathroom and stairwell. The cellar will be 5,166 sq in size and will contain a 1,250 sf residential storage room, a 1,038 recreational room, a 334 sf bicycle storage area, a 276 sf compactor room, a laundry room, bathroom, two storage closets, a telecommunication room, gas meter room, water meter and sprinkler room, electrical room, a stairwell and an elevator.

The cellar level will require excavation to a total depth of approximately 10 feet below grade across 50% of the Site. The remainder of the site will require excavation to 2 ft. Approximately 1,913 cubic yards (cy) (2,870 tons) of soil will be excavated for the cellar, with an additional 358 cy (537 tons) of soil removed in the area outside of the cellar footprint.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation project known as “843-847 Lexington Avenue ” 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 843-847 Lexington Avenue 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 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. Delineation of copper hotspot (S7) area. Excavation and removal of soil/fill in copper hotspot area (S7);
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, 50% of the Site will be excavated to depth of 10 feet with additional excavation to 2 ft for the remainder of the site. Copper hotspot area around S7 will be delineated and excavated. An estimated 3,407 tons of soil will be excavated and removed from this property;
8. 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;
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 the 500-gallon gasoline UST and the 3,000-gallon fuel oil UST. Any additional USTs encountered during Site development will be properly removed;
11. Registration of tanks and reporting petroleum spills (if evidence of a spill/leak is encountered during Site excavation) in compliance with applicable local, State and Federal laws and regulations;
12. 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;
13. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs;
14. Demarcation of residual soil/fill in landscaped areas;
15. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
16. Construction and maintenance of an engineered composite cover consisting of a 10-inch thick concrete slab beneath the building, and a 6-inch thick concrete cap in sidewalk and exterior parking areas to prevent human exposure to residual soil/fill remaining at the Site;
17. Installation of a vapor barrier system below the concrete slab underneath the building as well as behind foundation walls of the proposed building. The vapor barrier will consist of the 20-mil Vapor Block 20Plus vapor barrier as manufactured by Ravens Industries, or equivalent system, below the slab throughout the full building area. 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;
18. Installation of an active sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. 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;
19. Construction and operation of a Soil Vapor Extraction (SVE) system to address the impacted soils which will remain following excavation. A series of four extraction points will be installed along northern and western portions of the site;
20. 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;
21. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater, if encountered, will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system;
22. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;

23. 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 the RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site;
24. 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;
25. 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 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.

**Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 843-847 Lexington Avenue site are as follows:

In order to satisfy the requirements of E-285, natural gas will be utilized at the site.

The remedies for Hazardous Materials and Air Quality 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.

October 21, 2015



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Date

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Shana Holberton  
Project Manager

October 21, 2015



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Date

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Shaminder Chawla  
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