



OFFICE OF ENVIRONMENTAL REMEDIATION

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Director

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May 17, 2011

Evan Kashanian
Artimus Construction
37 West 65th Street, 2nd Floor
New York, NY 10023

Stephen Malinowski
CA RICH Consultants, Inc.
17 Dupont Street
Plainview, NY 11803

Re: **NYC BCP Remedial Action Work Plan Approval**
260 West 26th Street, aka 306 8th Avenue
Block 775, Lots 4, 69, 77, 78, 79, and 80
BCP Project #11CBCP011M / OER Project # 11EHAZ246M

Dear Mr. Kashanian:

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 260 West 26th Street, aka 306 8th Avenue, BCP Project #11CBCP011M, dated May 17, 2011. The Plan was submitted to OER under the NYC Brownfield Cleanup Program (BCP). The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on May 11, 2011. There were no public comments.

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

1. Preparation of a Community Protection Statement and implementation of a Citizen Participation Plan.
2. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishing Track 1 Soil Cleanup Objectives (SCOs) through the excavation and removal of soil/fill exceeding SCOs. Excavation and removal of soils to approximately 15 feet below current grade over the entire site footprint.
4. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
5. Removal of underground storage tanks and closure of petroleum spills (if any) in compliance with applicable local, state and Federal laws and regulations.
6. Construction and maintenance of an engineered composite cover consisting of building slabs and walls and concrete sidewalks as an additional measure or to prevent human exposure to residual soil/fill remaining under the Site if Track 1 SCOs cannot be achieved.
7. Installation of a vapor barrier membrane beneath the building slab. The vapor barrier will consist of Grace Preprufe 300R below foundation slab, and will be used in conjunction with 160 R on sidewalls to grade.
8. Installation and operation of a ventilated parking garage as an additional measure.

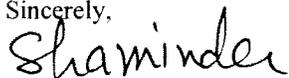
9. Demarcation of residual soil/fill if Track 1 SCOs cannot be achieved.
10. Transportation and off-site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this RAWP. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media onsite. Excavated bedrock will be disposed of as construction and demolition debris.
11. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a photo-ionization detector.
12. Any backfill soil imported to the site must meet Track 1 SCOs. Any soil intended for reuse at the site will be segregated, sampled, and approved by OER prior to backfilling. No import of backfill is proposed for this project.
13. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
16. Submission of a Remedial Action Report (RAR) which describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from the RAWP.
17. If Track 1 cleanup cannot be achieved, 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.
18. If Track 1 cleanup cannot be achieved, recording of a Declaration of Covenants and Restrictions that includes a 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.

The RAWP and Stipulation List for the 260 West 26th Street are protective of public health and the environment and are hereby approved. The approved RAWP and Stipulation List, including appendices should be placed by the Enrollee in publicly accessible repositories for the project.

The Enrollee and its contractors are solely responsible for safe execution of all invasive and other work performed under the Plan. In particular, the Enrollee and its contractors are responsible for the structural integrity of excavations, and protection of the structural integrity of buildings, utilities, and other structures both onsite and offsite that may be adversely affected by those excavations and activities. The Enrollee and its contractors must obtain any local, state or federal permits or approvals that may be required to perform work under the Plan. Further, the Enrollee and its contractors are responsible for the identification of utilities that might be affected by work under the Plan and implementation of all required, appropriate, or necessary health and safety measures during performance of work under the approved Plan.

If you have any questions, please call Mr. Michael Mandac at (212) 676-0754.

Sincerely,



Shaminder Chawla
Assistant Director

CC: D. Walsh, Ph. D., Director, OER
N. Graber, M.D., DOHMH
Cole, OER
M. Mandac, OER

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