



**OFFICE OF ENVIRONMENTAL REMEDIATION**  
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August 12, 2013

Lance Steinberg  
Landmark Realty LLC and Run 178<sup>th</sup> LLC  
c/o Raber Enterprises LLC  
175 Canal Street  
New York, NY 10013

Paul Stewart  
Advanced Cleanup Technologies, Inc.  
960 South Broadway, Suite 100  
Hicksville, NY 11801

Re: **NYC VCP Remedial Action Work Plan Approval**  
**321-325 West 35<sup>th</sup> Street**  
**Block 759, Lots 26 and 27**  
**VCP Project # 13CVCP123M/ OER Project # 13EH-N313M**

Dear Mr. Steinberg:

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 321-325 West 35<sup>th</sup> Street, VCP Project # 13CVCP123M, dated June 10, 2013 and July 24, 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 July 10, 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 “321-325 West 35<sup>th</sup> 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 321-325 West 35<sup>th</sup> Street Site and the public's input to the proposed remedy presented by the Office.

### **Description of Selected Remedy**

The remedy selected for this 321-325 West 35<sup>th</sup> Street Site is Track 1 remedy and includes soil excavation, cover system, and vapor barrier in the form of a waterproofing installation.

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. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 1 Unrestricted Use Soil Cleanup Objectives (SCOs).
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 Unrestricted Use SCOs. Excavation will extend below water table to the depths ranging from 16 to 19 feet bgs.
6. 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
7. 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.
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. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
10. As part of development, installation of a waterproofing membrane beneath the building slab and outside foundation sidewalls below grade.

11. As part of development, construction and maintenance of an engineered composite cover consisting of a 6 inch thick concrete basement slab.
12. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
13. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
14. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and if Track 1 SCOs are not achieved, describes all Engineering and Institutional Controls to be implemented at the Site.
15. If Track 1 SCOs are not 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.
16. If Track 1 SCOs are not achieved, the property will continue to be registered with an E-Designation at 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.
17. Two additional soil borings will be completed post-demolition of the on-site building. Soil samples will be completed from 0 – 2 feet and 12 – 14 feet.

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.

8/12/13



Date

Shaminder Chawla  
Assistant Director

## **SITE BACKGROUND**

### **Location:**

The Site is located at 321-325 West 35th Street in the Fashion District section of Manhattan, New York and is identified as Block 759 and Lots 26 and 27 on the New York City Tax Map. Figure 1 shows the Site location.

### **Site Features:**

The Site is 5,281-square feet and is bounded by residential to the south and west, commercial development to the east and parking garage to the north. Currently, the Site contains two buildings: a vacant 2-story commercial building and a 1-story parking garage.

### **Current Zoning/uses:**

The current zoning designation is C6-4M. The proposed use is consistent with existing zoning for the property.

### **Historical Use:**

The Site was originally developed in 1890. The Phase I indicates that the property consisted of sub-divided lots in the 1890 to 1899 Sanborn Fire Insurance maps. The property consisted of stores and dwellings in the 1911 to 1930 maps. The property at 321-323 West 35th Street contained a Freight Depot in the 1950 map and a commercial warehouse building in the 1968 to 2005 maps. The property at 325 West 35th Street contained a commercial building in the 1950 to 2005 maps.

### **Summary of Environmental Findings:**

1. Elevation of the property ranges from 39 to 40 feet above mean sea level.
2. Depth to groundwater ranges from 14.05 to 14.11 feet at the Site.
3. Groundwater flow is generally from east to west beneath the Site.
4. Depth to bedrock ranges from approximately 26 to 31 feet at the Site.
5. The stratigraphy of the Site, from the surface down, generally consists of 12 feet of fill material underlain by 3 feet of orange to brown fine to medium sand.

A site location map is attached as Figure 1.

## **PROPOSED DEVELOPMENT PLAN**

The proposed future use of the Site is a 150-key franchise hotel and will consist of a 25-story building with one cellar level. The ground floor and cellar will have hotel lobby, guest amenities and hotel back of house. The hotel guest floors will be placed from level 2F to 24F. There will be one mechanical floor at the roof. The total number of levels will be 25 not including the cellar. The building will be constructed to a height of 250 feet and be 73,128 gross square feet (not including roofs). Excavation will extend below water table to the depths ranging from 16 to 19 feet bgs.

## **SUMMARY OF REMEDIAL INVESTIGATION**

The Remedial Investigation was conducted on February 20, 2013. A full Remedial Investigation Report is available online in the document repository and the results are summarized below.

### Nature and Extent of Contamination:

Soil: Soil samples collected during this RI showed that SVOCs and PCBs were not detected in any soil sample. VOCs were not detected except for low levels of acetone in all samples and all concentrations well below Unrestricted Use Soil Cleanup Objectives (SCOs). Metals including chromium (30.9 Kg/mg or ppm), lead (max of 1570 ppm), mercury (maximum of 1.04 ppm) and zinc (maximum of 468 ppm) exceeded Unrestricted Use SCOs, and of these, lead and mercury also exceeded Restricted Residential SCOs. Pesticides including 4,4,DDD (46 ppb); 4,4, DDE (200 ppb); and 4,4,DDT (480 ppb) were detected in one shallow soil at concentrations exceeding Unrestricted Use SCOs. These pesticides concentrations were well below Restricted Residential SCOs.

Groundwater: Groundwater samples collected during the RI showed three VOCs including ethylbenzene (11 ppb), isopropylbenzene (17 ppb) and xylenes (54 ppb) were detected above Groundwater Quality Standards (GQS) in one well. SVOCs, pesticides and PCBs were not detected in any of the groundwater samples. Metals including manganese, selenium and sodium were detected above GQS.

Soil vapor: Several petroleum related and chlorinated VOCs were detected in soil vapor samples collected during the RI. Most concentrations were below 10  $\mu\text{g}/\text{m}^3$  except for acetone (38  $\mu\text{g}/\text{m}^3$ ), chloroform (65  $\mu\text{g}/\text{m}^3$ ), heptane (10  $\mu\text{g}/\text{m}^3$ ) and hexane (10  $\mu\text{g}/\text{m}^3$ ). PCE was detected in all vapor samples to a maximum concentrations of 16  $\mu\text{g}/\text{m}^3$ . TCE was detected in one sample at 2  $\mu\text{g}/\text{m}^3$ . TCA and carbon tetrachloride were not detected. These results indicate that none of the compounds detected in sub-slab vapor required further action, according to the NYS DOH Final Guidance on Soil Vapor Intrusion (October 2006).

Figure 1: Site Map

