



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**

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

December 22, 2015

Re: **337 West 36 Street**  
**Manhattan, Block 760, Lot 20**  
**Hazardous Materials, Air Quality, Noise “E” Designation**  
**E-137: 1/19/2005 - Hudson Yards Rezoning - CEQR 03DCP031M**  
**OER Project Number: 15EHAN151M / VCP Number: 15CVCP037M**

The New York City Office of Environmental Remediation (OER) has completed its review of the Revised Remedial Action Work Plan (RAWP) dated December 02, 2015 with Stipulation Letter dated October 21, 2015 and the Remedial Action Plan for Air Quality and Noise dated December 16, 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 December 18, 2015. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of the demolition of the existing building, including the existing foundations and building slab, and the construction of a new 22-story building with a full cellar. The bottom of the proposed excavation will be 16.8 feet bgs. There will be a 500 square foot backyard in the northeast portion of the building. The building will be used as a hotel with a full cellar and rear yard (located at cellar level). The building will contain a breakfast area, storage room and mechanical/utility services in the cellar level, a lobby and reception area at ground level, hotel rooms on floors 2-22 and a roof floor and elevator room on floors 23 and 24. The proposed height of the building is 193 feet.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “337 West 36 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 Hazardous Materials**

The remedial action selected for the 337 West 36 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 Citizen Participation Plan.
2. Perform 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. Excavation and removal of soil/fill exceeding SCOs. The entire property will be excavated to a final grade of 16.8 feet below ground surface. Currently, the basement slab exists 10 feet below ground surface. A total estimated 932.64 tons of soil will be excavated and removed from the property.
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. 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. 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.
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. 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 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. Construction and maintenance of an engineered composite cover consisting of the 5 inch thick concrete building slab to prevent human exposure to residual soil/fill remaining under the Site.
14. Installation of a vapor barrier/waterproofing system beneath the building slab and outside foundation sidewalls below grade.
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
17. 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 describes all Engineering and Institutional Controls to be implemented at the Site.
18. 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.
19. 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.

**Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 337 West 36 Street site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for hot water and HVAC systems. The remaining systems, including space heating, will be powered electrically.

Natural gas is being used as the fuel type for the HVAC system. However, the lot is only 25 feet wide and therefore cannot meet the 46 feet distance requirement from each lot line as referenced above. The engineer therefore referred to the CEQR technical manual to determine if the Subject Site’s development would impact upon surrounding buildings. The maximum development size of the building is 38,190 square feet, and the building height is 194 feet (at the roof floor). The Engineer referred Figure 17-7: NO2 Boiler Screen Residential Development – Natural Gas to determine the minimum distance required to the nearest building is at least a 40-foot radius.

The building located directly to the west of the site is currently 25 stories in height and is located with the 40 foot impact radius. Therefore, in order to ensure the stack does not impact upon the adjacent 25 story building the stack will be placed 48 feet taller than the roof level and it will be 3 feet taller than the adjacent building to the west. Please refer to Appendix E for the stack location relative to the adjacent building to the west. These diagrams also depict the 40 foot radius around the stack. No other buildings within the 40 foot radius will be impacted.

The boilers have a NO2 emission rate less than 20 ppm based on 3% CO2 which meets NYC standards. The stack will be placed in accordance with the 2014 Mechanical Code.

**Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 337 West 36 Street site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuation will be achieved at the locations described below:

- 1. 36 dBA for all facades;

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
All façades Cellar-22 <sup>nd</sup> Floor Residential Types A, A1, B, C, C1, D	36 dBA	ASTM E-90 Lab Test Report(s)	Model 3000i In-Swing Casement and Fixed Window manufactured by Pioneer Window Manufacturing	1-5/16” insulated glass consisting of 1/4” laminated with a 0.225” interlayer, 1- 17/32” air space and 17/32” laminated with a 0.06” interlayer

In order to satisfy the requirements of the E Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

- 1. **PTAC Units:** Eighty-eight (88) Model #EZ4212B2C1S45AA PTAC units manufactured by Islandaire will be installed in all hotel rooms. Fresh air will be provided to all bedrooms and living rooms by PTAC units. The fresh air will be provided by a 55CFM outdoor air 24/7 forced fan and cycling dehumidifier compressor, which will be added to the PTAC units when installed. Floor plans showing the locations of PTAC units are included in Appendix J. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix I. The PTAC units can be operated by user to provide outdoor air.

2. **HVAC System:** A gas powered roof top mounted unit (York Model# 66386-YUM-C-1011) will provide AMV for all common spaces including the breakfast area, lobby, reception area, and corridors.
3. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies, common spaces, conference rooms and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, and Noise 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.

December 22, 2015



Date

William Wong  
Project Manager

December 22, 2015



Date

Shaminder Chawla  
Deputy Director

December 22, 2015



Date

Maurizio Bertini, Ph.D.  
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