



OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd 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

April 23, 2015

Re: **320-328 West 36th Street
Manhattan, Block 759, Lot 55
Hazardous Materials and Noise “E” Designation
E-137: 1/19/2005 Hudson Yards Rezoning – CEQR Number: 03DCP031M
OER Project Numbers: 14EH-N579M / 15CVCP076M**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated February 23, 2015 with Stipulation Letter dated April 06, 2015 and the Remedial Action Plan for Noise dated December 04, 2014 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 March 26, 2015. There were no public comments.

Project Description

The Site is 8,145-square feet in area. Currently, the Site is a vacant parking garage and contains a fully built out 2-story building with a full cellar. The cellar is currently 9’3” in depth.

The proposed future use of the Site will consist of a 25-story hotel. The entire current building is projected to be demolished. The future cellar will be installed to a depth of 13’8’ below grade and entails a full build out of the property. There will be an elevator pit installed 7’6” below the cellar. This will require an additional 4’5” of soil and bedrock to be excavated from the site and approximately 2,400 tons of materials disposed of offsite. The elevator pit will be installed into the groundwater table. The proposed cellar will contain utility rooms, administrative offices, lockers and a kitchen. The first floor at grade will contain the hotel lobby, restaurant, additional offices and an outdoor terrace on the south side of the property. Floors 2 through 25 will be utilized for hotel lodging. The projected final height of the building will be 286’8”.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “320-328 West 36th 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 320-328 West 36th 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 (CPP).
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Selection of NYSDEC 6NYCRR Part 375 Unrestricted Use (Track 1) 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 the selected disposal facility(s) acceptance criteria. Waste characterization results will be provided to OER prior to construction start.
6. Excavation and removal of soil/fill exceeding Track 1 Unrestricted Use SCOs. For development purposes, excavation for the building's cellar level would take place to an average depth of approximately 14 feet across the entire proposed building footprint with additional 5 feet excavation (below cellar level) in elevator pit area. If soil/fill containing analytes at concentrations above Track 1 Unrestricted Use SCOs is still present at the base of the excavation after removal of all soil required for construction of the building and public access area is complete, additional excavation will be performed to meet Track 1 Unrestricted Use SCOs. Approximately 2,400 tons of soils will be excavated and removed from this Site.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
8. Management of excavated materials including temporarily stockpiling and segregating to prevent co-mingling of contaminated material and non-contaminated materials.
9. Removal of two abandoned 550-gallon underground storage tanks (USTs) and any additional USTs (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 six (6) 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. Dewatering will be performed in full compliance with applicable laws, rules and regulations. Dewatering permit will be obtained from NYCDEP prior to construction activities.
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
16. 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.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements will be implemented as part of new development and will constitute Engineering and Institutional controls:

17. As part of new development, installation of a vapor barrier below the cellar slab, as well as behind subgrade portions of foundation walls of the proposed building. A combination of 47 and 31-mil vapor barrier will be installed beneath the structure's slab and along foundation sidewalls, respectively. The barrier chosen for this project is manufactured by Grace Preprufe®, model number 300R & 160R.
18. As part of new development, construction and maintenance of an engineered composite cover over the entire footprint consisting of the building's 8 inch thick concrete slab to prevent human exposure to residual soil/fill remaining under the Site.
19. If Track 1 is not achieved, submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual materials, including plans for operation, maintenance, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency; and
20. If Track 1 SCOs are not achieved, 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 Noise

The elements of the remedial action selected for Noise for the 320-328 West 36th Street site are as follows:

In order to satisfy the requirements of E-137 a window/wall attenuation of 33 dBA will be achieved for residential uses. In order to achieve such attenuation, windows manufactured by Wausau, models 4250iVi, with a glazing made of 1/4" annealed outer lite, 1/2" air space, and 1/4" annealed inner lite will be installed in each façade of the building. The proposed window has been rated with an OITC of 28 as certified by the Lab Test Report attached to this document.

In order to satisfy the requirements of E-137 Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by ducting outside fresh air to each guest room from a 10,500 CFM water cooled self-contained air conditioning unit (Johnson Control, model LSWU-040). The guest rooms will be heated and cooled via water source heat pumps (Johnson Controls, models VB-09/12/18, and VSCS-09/12/18). The restaurant and meeting rooms are provided with water cooled self-contained air conditioning units (Johnson Controls, LSWU-032/025), and the fitness center is provided with a water source heat pump (Johnson Controls, RLLV095).

The remedies for Hazardous Materials 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.

April 23, 2015



Date

William Wong
Project Manager

April 23, 2015



Date

Shaminder Chawla
Deputy Director

April 23, 2015



Date

Maurizio Bertini, Ph.D.
Assistant Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER
Lance Steinberg, Landmark Realty LIC & Run 78 LIC – lance@raberenterprises.com
Shannon Hendrick, Flintlock Construction Services LLC – shendrick@flintlockllc.com
Thomas Thomann, URS Corporation – thomas.thomann@urs.com
Neill E Parker, Jr, R.A., Stonehill & Taylor Architect PC – nparker@stonehilltaylor.com
Paul Stewart, Advanced Cleanup Technologies, Inc. – pauls@actenvirons.com
Theresa Burkard, Advanced Cleanup Technologies, Inc. – theresab@actenvirons.com
Matthew Schaeffler, Cerami – mschaeffler@ceramiassociates.com
Caitlin Ormsbee, Cerami – COrmsbee@ceramiassociates.com