

October 17, 2013

New York City Office of Environmental Remediation
City Voluntary Cleanup Program
c/o Shaminder Chawla
100 Gold Street, 2nd Floor
New York, NY 10038

Re: 13CVCP127K
42-12 28th Street
Queens, NY
Remedial Action Work Plan (RAWP) Stipulation List

Dear Ms Bub:

URS Corporation (the consultant) hereby submits a Remedial Action Work Plan (RAWP) Stipulation List for the 42-12 28th Street (the Site) to the New York City Office of Environmental Remediation (OER) on behalf of 28th Street Con, LLC. This letter serves as an addendum to the RAWP to stipulate additional content, requirements, and procedures that will be followed during the Site remediation. The contents of this list are added to the RAWP and will supersede the content in the RAWP where there is a conflict in purpose or intent. The additional requirements/procedures include the following Stipulation List below:

1. The criterion attached in **Appendix 1** will be utilized if additional petroleum containing tanks or vessels are identified during the remedial action or subsequent redevelopment excavation activities. All petroleum spills will be reported to the NYSDEC hotline as required by applicable laws and regulations. This contingency plan is designed for heating oil tanks and other small or moderately sized storage vessels. If larger tanks, such as gasoline storage tanks are identified, OER will be notified before this criterion is utilized.
2. A pre-construction meeting is required prior to the start of remedial excavation work at the Site. A pre-construction meeting will be held at the Site and will be attended by OER, the developer or developer representative, the consultant, excavation/general contractor, and if applicable, the soil broker.
3. A pre-approval letter from all disposal facilities will be provided to OER prior to any soil/fill material removal from the Site. Documentation specified in the RAWP - Appendix D - Section 1.6 "Materials Disposal Off-Site" will be provided to OER. If a different disposal facility for the soil/fill material is selected, OER will be notified immediately.
4. A CD containing the final RAWP including this approved Stipulation List will be placed in the library that constitutes the primary public repository for project documents.
5. Signage for the project will include a sturdy placard mounted in a publically accessible right of way to building and other permits signage will consist of the NYC VCP Information Sheet (attached **Appendix 2**) announcing the remedial action. The Information sheet will be laminated and permanently affixed to the placard.
6. This NYC VCP project involving the removal and transportation of hazardous waste may be subject to the New York state Department of Environmental Conservation's Special Assessment Tax (ECL 27-0923) and

Hazardous Waste Regulatory Fees (ECL 72-00402). See DEC's website for more information: <http://www.dec.ny.gov/chemical/9099.html>.

7. Collection and analysis of six post-excavation samples from the bottom of the excavation will be collected to evaluate the performance of the remedy with respect to attainment of Track 1 SCOs. Figure 5 indicating End point post-excavation sampling locations are attached in **Appendix 3**. A total of six end point samples from the excavation area below the building footprint and parking ramp area will be analyzed for contaminants of concern (SVOCs, pesticides, PCBs, and metals (lead and mercury)).

8. An updated Proposed Development Plan description is included below:

The proposed future use of the Site will consist of a fifty-seven story mixed use commercial and residential building with retail space, parking, and an indoor pool on lower floors and residential units on floors 4-57. The current zoning designation is M1-6/R-10 for manufacturing and residential use, but is also a "Special Purpose District" which New York City defines as: *The City Planning Commission has been designating special zoning districts since 1969 to achieve specific planning and urban design objectives in defined areas with unique characteristics. Special districts respond to specific conditions; each special district designated by the Commission stipulates zoning requirements and/or zoning incentives tailored to distinctive qualities that may not lend themselves to generalized zoning and standard development.* The proposed use is consistent with existing zoning for the property.

Prior to redevelopment, the existing 2-story site building was demolished and its concrete footings excavated to allow for future redevelopment. Excavations related to construction of the new building are anticipated to extend down to approximately twelve and a half feet below grade. The western portion of the site will be excavated to a depth of four feet below grade. This area of the site will house a driveway ramp leading to an interior parking structure (Figure 5).

9. Redevelopment of the site will include the construction of a fifty-seven story building housing commercial and residential space. The basement will house storage rooms for tenants, staff break rooms, mechanical/utility rooms, and tenant laundry. The first floor will primarily be used for retail space, the residential lobby and management office, bicycle storage, and a ramp from the 27th Street side of the development going up to the second story. The second floor will consist mainly of tenant parking and the pool mechanical room for the pool located on the third floor. Floors 4-57 will be residential. The proposed development will encompass the entire site footprint.
10. Truck route is included in (**Appendix 4**).
11. The signed RIR certification page and stamped/signed RAWP certification page is included in **Appendix 5**.
12. **Appendix 6** includes Vapor Barrier Pre-Certification letter from Vapor Barrier manufacturer stating that the proposed vapor barrier system mitigates against the contaminants of concern at the site.
13. OER requires parties seeking City Brownfield Incentive Grants to carry insurance. For a cleanup grant, both the excavator and the trucking firm(s) that handle removal of soil must carry or be covered under a commercial general liability (CGL) policy that provides \$1 million per claim in coverage. OER recommends that excavators and truckers also carry contractors pollution liability (CPL) coverage, also providing \$1 million per claim in coverage. The CGL policy, and the CPL policy if obtained, must name the City of New York, the NYC Economic Development Corporation, and Brownfield Redevelopment Solutions as additional insured. For an investigation grant, an environmental consultant must be a qualified vendor in the BIG program and carry \$1 million of professional liability (PL) coverage. A fact sheet regarding insurance is attached as **Appendix 7**.

14. Daily report will be provided during active excavation work. If no work is performed for extended time period, daily report frequency will be reduced to weekly basis. Daily report template is attached in **Appendix 8**.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Robert Wolff', written in a cursive style.

Robert Wolff

Principal Environmental Scientist

cc: S. Chawla, OER

Appendix 1

Generic Procedures for Management of Underground Storage Tanks identified under the NYC VCP

Prior to Tank removal, the following procedures should be followed:

- Remove all fluid to its lowest draw-off point.
- Drain and flush piping into the tank.
- Vacuum out the “tank bottom” consisting of water product and sludge.
- Dig down to the top of the tank and expose the upper half.
- Remove the fill tube and disconnect the fill, gauge, product, vent lines and pumps. Cap and plug open ends of lines.
- Temporarily plug all tank openings, complete the excavation, remove the tank and place it in a secure location.
- Render the tank safe and check the tank atmosphere to ensure that petroleum vapors have been satisfactorily purged from the tank.
- Clean tank or remove to storage yard for cleaning.
- If the tank is to be moved, it must be transported by licensed waste transporter. Plug and cap all holes prior to transport leaving a 1/8 inch vent hole located at the top of the tank during transport.
- After cleaning, the tank must be made acceptable for disposal at a scrap yard, cleaning the tanks interior with a high pressure rinse and cutting the tank in several pieces.

During the tank and pipe line removal, the following field observations should be made and recorded:

- A description and photographic documentation of the tank and pipe line condition (pitting, holes, staining, leak points, evidence of repairs, etc.).
- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with a calibrated photoionization detector (PID).

Impacted Soil Excavation Methods

The excavation of the impacted soil will be performed following the removal of the existing tanks. Soil excavation will be performed in accordance with the procedures described under Section 5.5 of Draft DER-10 as follows:

- A description and photographic documentation of the excavation.

- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with calibrated photoionization detector (PID).

Final excavation depth, length, and width will be determined in the field, and will depend on the horizontal and vertical extent of contaminated soils as indentified through physical examination (PID response, odor, staining, etc.). Collection of verification samples will be performed to evaluate the success of the removal action as specified in this document.

The following procedure will be used for the excavation of impacted soil (as necessary and appropriate):

- Wear appropriate health and safety equipment as outlined in the Health and Safety Plan.
- Prior to excavation, ensure that the area is clear of utility lines or other obstructions. Lay plastic sheeting on the ground next to the area to be excavated.
- Using a rubber-tired backhoe or track mounted excavator, remove overburden soils and stockpile, or dispose of, separate from the impacted soil.
- If additional UST's are discovered, the NYSDEC will be notified and the best course of action to remove the structure should be determined in the field. This may involve the continued trenching around the perimeter to minimize its disturbance.
- If physically contaminated soil is present (e.g., staining, odors, sheen, PID response, etc.) an attempt will be made to remove it, to the extent not limited by the site boundaries or the bedrock surface. If possible, physically impacted soil will be removed using the backhoe or excavator, segregated from clean soils and overburden, and staged on separated dedicated plastic sheeting or live loaded into trucks from the disposal facility. Removal of the impacted soils will continue until visibly clean material is encountered and monitoring instruments indicate that no contaminants are present.
- Excavated soils which are temporarily stockpiled on-site will be covered with tarp material while disposal options are determined. Tarp will be checked on a daily basis and replaced, repaired or adjusted as needed to provide full coverage. The sheeting will be shaped and secured in such a manner as to drain runoff and direct it toward the interior of the property.

Once the site representative and regulatory personnel are satisfied with the removal effort, verification of confirmatory samples will be collected from the excavation in accordance with DER-10.

Appendix 2

Signage



NYC Voluntary Cleanup Program

This property is enrolled in the New York City Voluntary Cleanup Program for environmental remediation. This is a voluntary program administered by the NYC Office of Environmental Remediation.

For more information, log on to:

www.nyc.gov/oer



If you have questions or would like more information, please contact:

Shaminder Chawla at (212) 788-8841

or email us at brownfields@cityhall.nyc.gov

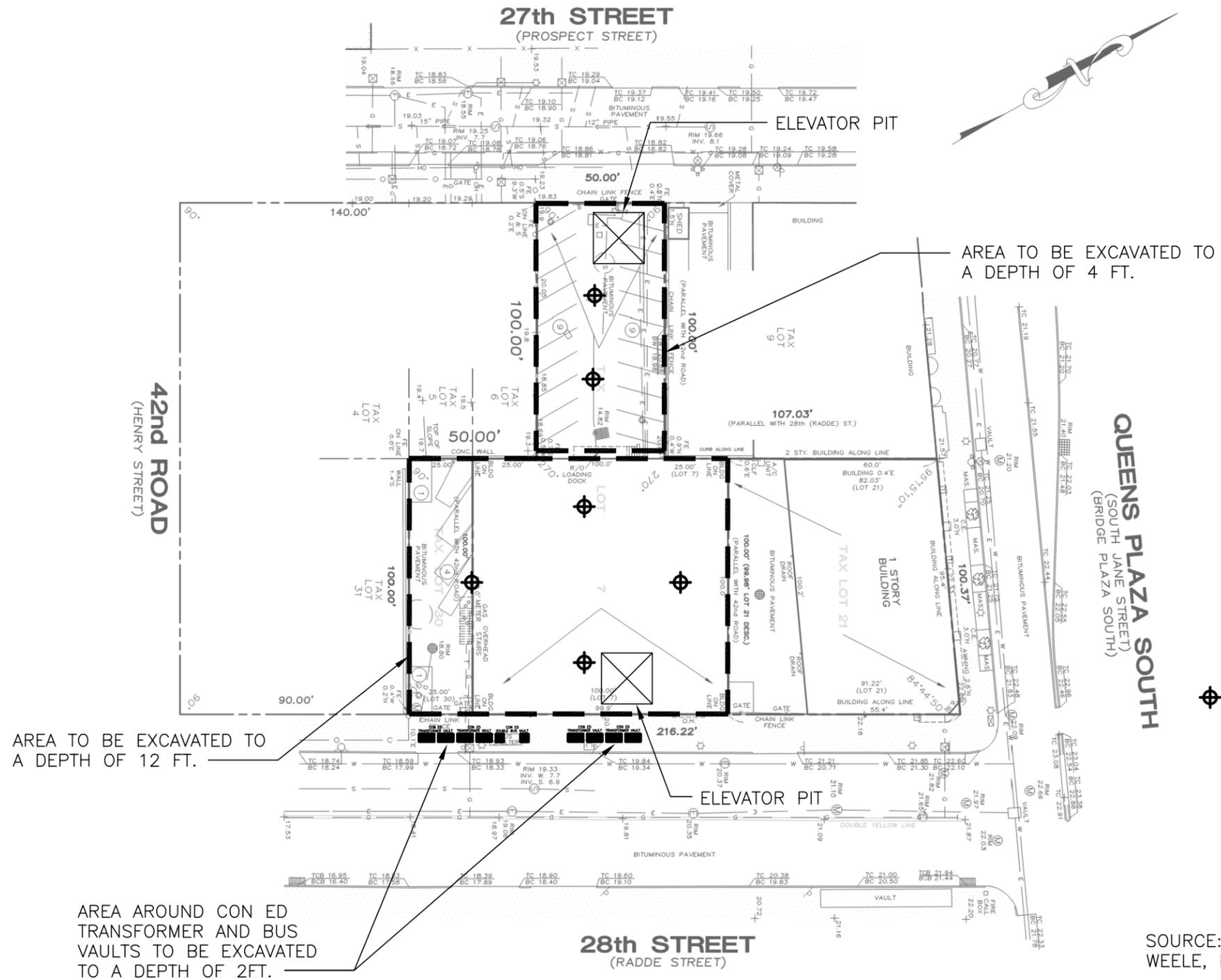
42-12 28th Street

Site #: 13CVCP127Q

Appendix 3

Endpoint Sampling Map

K:\Cadd\1140193\28thSt Con LLC\RAWP 2013\FIG_5-REV.dwg, Layout1, 10/17/2013 9:18:42 AM



LEGEND:

⊕ POST EXCAVATION SAMPLE

NOTE:

1. ELEVATOR PIT EXCAVATION WILL EXTEND DOWN TO A DEPTH OF APPROXIMATELY 10-20FT.
2. ALL POST EXCAVATION SAMPLES WILL BE ANALYZED FOR SVOCs, METALS, PCBs AND PESTICIDES.

SOURCE: BARRETT, BONACCI & VAN WEELE, PC MAY 2011

REMEDIAL EXCAVATION PLAN
42-12 AND 42-22 28TH STREET
LONG ISLAND CITY, N.Y. 11101



CLIFTON, NEW JERSEY



DR. BY	KM	SCALE	AS SHOWN	DWG. NO.	FIG_5.REV	PROJ. NO.	11140193
CK'D. BY	CF	DATE	OCTOBER 16, 2013	FIG. NO.	5		

Appendix 4

Truck Route

1.5 OFF-SITE MATERIALS TRANSPORT

Loaded vehicles leaving the Site will comply with all applicable materials transportation requirements (including appropriate covering, manifests, and placards) in accordance with applicable laws and regulations, including use of licensed haulers in accordance with 6 NYCRR Part 364. If loads contain wet material capable of causing leakage from trucks, truck liners will be used. Queuing of trucks will be performed on-Site, when possible in order to minimize off Site disturbance. Off-Site queuing will be minimized.

Outbound truck transport routes are to exit onto 27th Street, right on 42nd Road, right on 21st Street and left onto Queens Plaza North. This routing takes into account the following factors: (a) limiting transport through residential areas and past sensitive sites; (b) use of mapped truck routes; (c) minimizing off-Site queuing of trucks entering the facility; (d) limiting total distance to major highways; (e) promoting safety in access to highways; and (f) overall safety in transport. To the extent possible, all trucks loaded with Site materials will travel from the Site using these truck routes. Trucks will not stop or idle in the neighborhood after leaving the project Site.

Appendix 5

RIR and RAWP certification page

CERTIFICATION

I, Robert Wolff, am a Qualified Environmental Professional, as defined in RCNY § 43-1402(ar). I have primary direct responsibility for implementation of the Remedial Investigation for the 42-12 28th Street Site, (NYC VCP Site No. 13CVCP127Q). I am responsible for the content of this Remedial Investigation Report (RIR), have reviewed its contents and certify that this RIR is accurate to the best of my knowledge and contains all available environmental information and data regarding the property.

ROBERT WOLFF

5/9/13



Qualified Environmental Professional

Date

Signature

CERTIFICATION

I, Thomas Thomann, am a Professional Engineer licensed in the State of New York. I have primary direct responsibility for implementation of the remedial action for the 42-12 28th Street Site #13CVCP127Q.

I, Robert Wolff am a Qualified Environmental Professional as defined in §43-140. I have primary direct responsibility for implementation of the remedial action for the 42-12 28th Street Site #13CVCP127Q.

I certify that this Remedial Action Work Plan (RAWP) has a plan for handling, transport and disposal of soil, fill, fluids and other materials removed from the property in accordance with applicable City, State and Federal laws and regulations. Importation of all soil, fill and other material from off-Site will be in accordance with all applicable City, State and Federal laws and requirements. This RAWP has provisions to control nuisances during the remediation and all invasive work, including dust and odor suppression.

THOMAS THOMANN

Name

078732-1

NYS PE License Number

[Signature]

Signature

7/29/13

Date



Robert Wolff

QEP Name

[Signature]

QEP Signature

7/30/13

Date

Appendix 6

Vapor Barrier Pre-Certification letter

GRACE

Construction Products

Mark A. Franciosi
Technical Service Engineer - Americas

T 617-498-4303

mark.a.franciosi@grace.com

W. R. Grace & Co.-Conn.
62 Whittemore Avenue
Cambridge, MA 02140

September 16th, 2013

Robert Wolff
URS Corporation
One Penn Plaza, Suite 600
New York, NY 10119
212.736.4444

Project: 42-12 28th Street Long Island City, NY

Mr. Wolff,

I have reviewed the Remedial Action Work Plan prepared by URS Corporation dated July 2013; pages 1-759 for the above referenced project:

The identified contaminants at the levels reported will not have an adverse effect on the waterproofing or vapor barrier properties of Preprufe[®] 300R, Preprufe[®] 160R and Bituthene[®] 3000/4000 systems along with all system accessories, provided standard design and application procedures are followed.

Standard installation instructions and details can be found on our website at www.graceconstruction.com.

If you have any questions, please feel free to call me at the number above.

Sincerely,



Mark Franciosi

Technical Services Engineer

cc: J. Ridgeway, K. Burke

Appendix 7

BIG Program Insurance Requirements

FACT SHEET – BIG PROGRAM INSURANCE REQUIREMENTS

Investigation Grants – for a developer or site owner to be eligible for a BIG investigation grant, its environmental consultant(s) must be:

- a Qualified Vendor in the BIG Program; and
- maintain Professional Liability (PL) insurance of \$1M per claim and annual aggregate.

Cleanup Grants – for a developer or site owner to be eligible for a BIG cleanup grant:

- Its general contractor or excavation/foundation contractor hired to perform remedial work must maintain Commercial General Liability (CGL) insurance of at least \$1M per occurrence and \$2M in the general aggregate. It is recommended that the general contractor or excavation/foundation contractor also maintain a Contractors Pollution Liability policy (CPL) of at least \$1M per occurrence.
- Its subcontractors who are hired by the general contractor etc. to perform remedial work at a site, including soil brokers and truckers, must also maintain a CGL policy in the amount and with the terms set forth above. It is recommended that subcontractors also maintain a CPL policy in the amount and with the terms set forth above.

The CGL policy, and the CPL policy if in force, must list the city, EDC and BRS as additional insureds, include completed operations coverage and be primary and non-contributory to any other insurance the additional insureds may have.

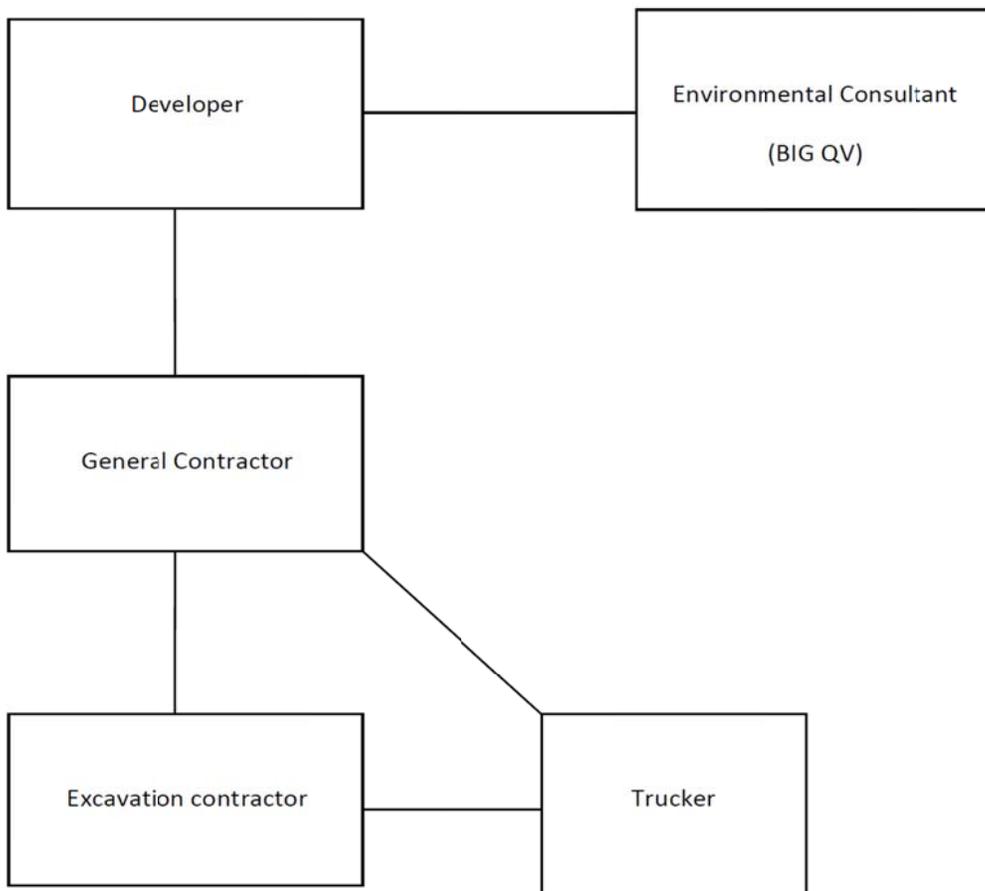
- Its environmental consultant(s) hired to oversee the cleanup must be:
 - a. a BIG Qualified Vendor; and
 - b. maintain Professional Liability (PL) insurance of \$1M per claim and annual aggregate.

If, in the alternative, the developer hires its environmental consultant to perform the cleanup, the environmental consultant must maintain CGL insurance in the amount and with the terms set forth above. It is recommended that the environmental consultant also maintain CPL coverage in the amount and with the terms set forth in the first two bulleted items listed above.

A schematic presenting the contractual relationships described above appears on page 2. Parties who must be named as Additional Insureds on Cleanup Grant insurance policies (CGL and CPL) are presented on page 3.

Example of Contractual Relationships for Cleanup Work

The Office of Environmental Remediation’s Voluntary Cleanup Plan program requires applicants to identify the parties who are engaged in active remediation of their sites including: the General Contractor hired to remediate and/or the excavation contractor hired to excavate soil from the site and the trucking firm(s) that remove soil from the site for disposal at approved facilit(ies).



The chart above shows contractual relationships that typically exist for projects that are enrolled in the Voluntary Cleanup Program.

BIG Program Additional Insureds

The full names and addresses of the additional insureds required under the Required CGL Policy and recommended CPL Policy are as follows:

“City and its officials and employees”

New York City Mayor’s Office of Environmental Remediation
253 Broadway, 14th Floor
New York, NY 10007

“NYC EDC and its officials and employees”

New York City Economic Development Corporation
110 William Street
New York, NY 10038

“BIG Grant Administrator and its officials and employees”

Brownfield Redevelopment Solutions, Inc.
739 Stokes Road, Units A & B
Medford, NJ 08055

Appendix 8

Daily Report Template

Generic Template for Daily Status Report

Instructions

The Daily Status Report submitted to OER should adhere to the following conventions:

- Remove this cover sheet prior to editing.
- Remove all the **red text** and replace with site-specific information.
- Submit the final version as a Word or PDF file.

Daily Status Reports

Daily status reports providing a general summary of activities for each day of *active remedial work* will be emailed to the OER Project Manager by the end of the following day. Those reports will include:

- Project number and statement of the activities and an update of progress made and locations of work performed;
- Quantities of material imported and exported from the Site;
- Status of on-Site soil/fill stockpiles;
- A summary of all citizen complaints, with relevant details (basis of complaint; actions taken; etc.);
- A summary of CAMP excursions, if any;
- Photograph of notable Site conditions and activities.

The frequency of the reporting period may be revised in consultation with OER project manager based on planned project tasks. Daily email reports are not intended to be the primary mode of communication for notification to OER of emergencies (accidents, spills), requests for changes to the RAWP or other sensitive or time critical information. However, such information will be included in the daily reports. Emergency conditions and changes to the RAWP will be communicated directly to the OER project manager by personal communication. Daily reports will be included as an Appendix in the Remedial Action Report.

DAILY STATUS REPORT

WEATHER	Snow		Rain		Overcast		Partly Cloudy	X	Bright Sun	
TEMP.	< 32		32-50		50-70	X	70-85		>85	

Prepared By:

Enter Your Name Here _____

VCP Project No.:	13CVCP000M	E-Number:	13EHAN000M	Date:	01/01/2013
Project Name:	Name or Address				

Consultant: Person(s) Name and Company Name	Safety Officer: Person(s) Name and Company Name
General Contractor: Person(s) Name and Company Name	Site Manager/ Supervisor: Person(s) Name and Company Name
Work Activities Performed (Since Last Report): Provide details about the work activities performed.	
Working In Grid #: A1, B1, C1	

Samples Collected (Since Last Report): No samples collected or provide details

<p>Air Monitoring (Since Last Report):</p> <p style="color: red;">No air monitoring performed or provide details</p>
<p>Problems Encountered:</p> <p style="color: red;">No problems encountered or provide details</p>
<p>Planned Activities for the Next Day/ Week:</p> <p style="color: red;">Provide details about the work activities planned for the next day/ week.</p>

Example:

Facility # Name/ Location Type of Waste Solid <u>Or</u> Liquid	Facility # Name Location Type of Waste Solid <u>Or</u> Liquid	##### Clean Earth Carteret, NJ petroleum soils Solid			
---	---	---	---	---	--

(Trucks, Cu.Yds. Or Gallons)	Trucks	Cu. Yds. <u>Or</u> Gallons	Trucks	Cu. Yds.						
Today									5	120
Total									25	600

NYC Clean Soil Bank		Receiving Facility: Name/ Address (Approved by OER)			
Tracking No.:	13CCSB000				
Today	Trucks 5	Cu. Yds. 25	Total	Trucks 120	Cu. Yds. 600



Photo Log

<p>Photo 1 – provide a caption</p>	<p>Insert Photo Here – Photo of the entire site</p>
<p>Photo 2 – provide a caption</p>	<p>Insert Photo Here – Photo of the work activities performed</p>

Photo 3 – provide a caption

Insert Photo Here – Photo of the work activities performed