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DECISION DOCUMENT
NYC VCP and E-Designation
Remedial Action Work Plan Approval

September 24, 2014

Re: **171 - 173 Bayard Street**
Brooklyn, Block: 2720, Lots: 43 and 44
Hazardous Materials "E" Designation
E-138: Greenpoint-Williamsburg Rezoning - CEQR #04 DCP003K
OER Project Number 14EHAZ332K / VCP Project Number 15CVCP024K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2014 and Stipulation List dated September 2014 for the above-referenced project.

The Plan was submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

VCP: The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on October 22, 2014. There were no public comments.

E-Designation: Lots 43 and 44 have been designated with Hazardous Materials "E" by the NYC Department of City Planning as part of the May 11, 2005 Greenpoint-Williamsburg Rezoning (CEQR #04 DCP 003K).

Project Description
The Site is located at 171 - 173 Bayard Street in the Greenpoint section of Brooklyn, New York and is identified as Block 2720, Lots 43 and 44 on the New York City Tax Map. The Site is 4,100 square-feet and is bounded by residential buildings to the north, Bayard Street and residential buildings to the south, residential buildings to the east and west. Currently, the Site is developed with a single-story commercial building on each lot. The current zoning designation is residential; R6B.

The development project consists of redeveloping the entire Site with a four-story residential building and full cellar. The proposed building encompasses approximately 70% of the Site with a 30-foot rear yard. The building includes a full 9-foot cellar, spanning the entire footprint of the building which will be utilized for accessory use and storage space. The cellar will have stair access only. The upper floors will be residential units. The basement level and foundation will require excavation of most of the Site to a depth of approximately 10 feet below grade. The water table is expected at approximately 9-12 feet below grade surface.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "171 - 173 Bayard Street" pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and § 11-15 of the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy

The remedial action selected for the 171 - 173 Bayard Street site is protective of public health and the environment. The remedial action includes soil excavation and offsite disposal, an engineered composite cover system, and installation of a vapor barrier and active Sub-Slab Depressurization System (SSDS).

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;
2. Performance of 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. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency specified by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to the start of the remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the front 70 feet of the Site will be excavated to a depth of approximately 10 feet for the new building's cellar level. The remainder rear yard area will be excavated at a slope to allow for work in the proposed basement level. In addition, two hotspot areas (Soil boring B-4 for VOCs and B-5 for lead) will be excavated to meet SCOs. Approximately 1,913 tons of soil will be removed from the property;
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. Management of excavated materials including temporarily stockpiling and segregating to prevent co-mingling of contaminated material and non-contaminated materials.
9. 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;
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 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. Installation of a vapor barrier system below the concrete slab of the building as well as behind foundation walls of the proposed building. The vapor barrier will consist of Raven Industries' VaporBlock 20 Plus, which is a seven layer co-extruded barrier made from state-of-the-art polyethylene and EVOH resins;
14. Installation and operation of an active Sub-Slab Depressurization System (SSDS). Groundwater is present at the Site at a depth of approximately 12 feet. There will be 2 feet of void space between groundwater depth and bottom of new building slab. The SSDS system will be installed in the gravel layer beneath the new building slab;
15. Construction and maintenance of an engineered composite cover consisting of the building’s 4 inch thick concrete cellar slab a capped rear yard to prevent human exposure to residual soil/fill remaining under the Site;
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.

17. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
18. Based on the proposed development, excavation may be conducted close to the water table, therefore, dewatering may be required during excavation. If dewatering activities are needed, dewatering will be completed in accordance with a New York City Department of Environmental Protection (NYCDEP) permit;
19. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP;
20. 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.
21. 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.

This remedy 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.

September 24, 2014

Date

Sarah Pong
Project Manager

September 24, 2014

Date

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