



**OFFICE OF ENVIRONMENTAL REMEDIATION**

253 Broadway - 14th Floor  
New York, New York 10007

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

Fax: (212) 788-2941

January 21, 2011

Mr. Emanuel Kanaris  
MJM Construction Services, LLC  
242-01 Braddock Avenue  
Bellrose, NY 11426

Mr. Mark Robbin  
Hydro Tech Environmental, Corp  
2171 Jericho Turnpike, Suite 345  
Commack, New York 11725

**Re: Remedial Action Work Plan Approval**  
**920-924 Westchester Avenue, Bronx, NY**  
**Site numbers: 11BCBP002X and 11BCBP003X**

Dear Mr. Kanaris:

The New York City Office of Environmental Remediation (OER), in consultation with the New York City Department of Health and Mental Hygiene (DOH), has completed its review of the Remedial Action Work Plan (RAWP) for the 920-924 Westchester Avenue Site, Site numbers 11BCBP002X and 11BCBP003X dated January 2011 and the Stipulation List dated January 20, 2011. The Plan was submitted to OER under the NYC Brownfield Cleanup Program. The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on January 19, 2011. There were no public comments.

We understand that the proposed remedial action for Lots 35 and 38 of 920-924 Westchester Avenue Site contains the following remedial elements:

Remedial elements to be implemented at Lot 38 will include:

1. Performance of all required NYC BCP citizen participation activities according to an approved Citizen Participation Plan (CPP).
2. Establishment of Track 1 Soil Cleanup Objectives (SCOs). The site already achieves Track 1 SCOs and removal action is not required.

3. Submission of a RAR which describes the remedial activities including any changes from this RAWP, certifies that the remedial requirements have or will be achieved, and defines the Site boundaries of the Site.

In addition to these elements, a continuous vapor barrier will be installed beneath the building slab to prevent human exposure to residual soil vapor from off site. In addition, the basement of the building will consist of a ventilated sub-grade parking garage that will also prevent the buildup of any vapors within the structure.

The elements to be implemented during remediation of Lot 35 will include:

1. Performance of all required NYC BCP citizen participation activities according to an approved Citizen Participation Plan (CPP).
2. Establishment of Track 1 Soil Cleanup Objectives (SCOs).
3. The remediation removal action and all associated excavation, transport and disposal is currently being managed separately under a remedial work plan approved by DEC. That plan will generally include the items listed in 4 through 15, below, which are included here for informational purposes:
4. Removal of Underground Storage Tanks that may be encountered during the soil excavation under proper authority and their proper registration with the NYSDEC Petroleum Bulk Storage (PBS) unit.
5. The closure of petroleum spills under authority of New York State Department of Environmental Conservation. The NYSDEC has approved plans known as Remedial Action Plan dated February 24, 2010, Groundwater Remediation Action Plan dated July 15, 2010 and Vapor Barrier Design Specifications dated August 5, 2010, which describe the remediation of soil and groundwater on Lot 35.
  - a. Injection of oxygen release compound and performance of post-remedial monitoring for volatile organic compounds, semi-volatile organic compounds and aquifer parameters to evaluate the effectiveness of the treatment. This work is being performed under the approval of the NYSDEC.
  - b. Installation of a continuous vapor barrier beneath the entire building slab to prevent human exposure to residual soil vapor remaining under the Site; this work is being performed under the approval of the NYSDEC. In addition, the basement

of the building will consist of a ventilated sub-grade parking garage that will also prevent the buildup of any vapors within the structure.

- c. Excavation and removal of soil containing gasoline compounds. Transportation and off-Site disposal of all soil at permitted facilities in accordance with all Federal, State and City laws and regulations for handling, transport, and disposal. This work is being performed under the approval of the NYSDEC.
6. Collection and analysis of end-point samples to evaluate the performance of the remedy.
7. Performance of Community Air Monitoring Program for particulates and volatile organic carbon compounds.
8. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
9. Implementation of storm-water pollution prevention measures.
10. Performance of all activities associated with the remedial action, including permitting requirements and pretreatment requirements, will be addressed in accordance with all applicable Federal, State and City laws and regulations.
11. Excavation and transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with all Federal, State and City laws and regulations for handling, transport, and disposal.
12. Sampling and analysis of excavated media as required by disposal facilities.
13. Excavation of contaminated media from areas of concern identified during RI.
14. Appropriate segregation of excavated media.
15. Screening for indications of contamination (by visual means, odor, and monitoring with a photo ionization detector (PID)) of excavated soil/fill during all intrusive work.
16. Under this remedy, if Track 1 cannot be achieved, recording of a Declaration of Covenants and Restrictions that includes a full listing of Engineering Controls and Institutional Controls and notice that these controls must be maintained within a Site Management Plan to prevent future exposure to any residual contamination remaining at the Site.

17. Under this remedy, if Track 1 cannot be achieved, establishment in a recorded Declaration of Covenants and Restrictions, a series of Institutional Controls on the Site, including: (1) compliance with the provisions of the recorded Declaration of Covenants and Restrictions; (2) compliance with provisions of the approved Site Management Plan; (3) operation and maintenance of Engineering Controls as specified in the Site Management Plan; (4) inspection and certification of all Engineering Controls at a frequency and in a manner defined in the Site Management Plan; (5) performance of environmental and public health monitoring as defined in the Site Management Plan; (6) reporting at a frequency and in a manner defined in the Site Management Plan; (7) protection of on-Site monitoring devices in a manner specified in the SMP; and (8) prohibition of discontinuation of Engineering Controls without an OER-approved amendment or extinguishment of the Declaration of Covenants and Restrictions.
18. Under this remedy, if a Track 1 remedy cannot be achieved, establishment in a recorded Declaration of Covenants and Restrictions, a series of site restriction Institutional Controls on the Site, including: (1) prohibition of vegetable gardening and farming; (2) prohibition of the use of groundwater without treatment rendering it safe for the intended use; (3) prohibition on all disturbance of residual contaminated material unless it is conducted in accordance with the provisions in the Site Management Plan; and (4) prohibition on higher level of land usage without an OER-approved amendment or extinguishment of this Declaration of Covenants and Restrictions.
19. Under this remedy, submission of a RAR which describes the remedial activities including any changes from this RAWP including the RAP approved by DEC, certifies that the remedial requirements have or will be achieved, defines the Site boundaries, and describes any Engineering and Institutional Controls to be implemented at the Site.
20. Under this remedy, if Track 1 Objective is not achieved, an approved Site Management Plan will be submitted in the Remedial Action Report for long-term management of residual contamination, including plans for Institutional and Engineering Controls for: (1) inspection and certification, (2) monitoring, (3) operation and maintenance, and (4) reporting.

The Remedial Action Work Plan and Stipulation List for the 920-924 Westchester Avenue Sites are deemed to be appropriate and protective of public health and the environment and are hereby

approved. The approved RAWP and Stipulation List, including appendices should be placed by the Enrollee in publicly accessible repositories for the project.

As indicated in the Stipulation List, prior to the start of remediation, you must submit design specifications for the vapor barrier and the sub-slab depressurization system.

The Enrollee and its contractors are solely responsible for safe execution of all invasive and other work performed under the Plan. In particular, the Enrollee and its contractors are responsible for the structural integrity of excavations, and protection of the structural integrity of buildings, utilities, and other structures both onsite and offsite that may be adversely affected by those excavations and activities. The Enrollee and its contractors must obtain any local, state or federal permits or approvals that may be required to perform work under the Plan. Further, the Enrollee and its contractors are responsible for the identification of utilities that might be affected by work under the Plan and implementation of all required, appropriate, or necessary health and safety measures during performance of work under the approved Plan.

If you have any questions, please call Ms. Hannah Moore at (212)442-6372.

Sincerely,  


Shaminder Chawla  
Assistant Director, OER

CC: N. Grabber, M.D., DOH  
D. Pisani, DOH  
D. Walsh, Ph. D., Director, OER  
B. Gribble, OER