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## DECISION DOCUMENT

### **NYC VCP Remedial Action Work Plan Approval**

December 22, 2014

Re: **3160 Park Avenue**  
**Bronx, Block 2419, Lot 28, 30 and 36**  
**VCP Number 15CVCP049X**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated November 14, 2014 with Stipulation Letter dated December 19, 2014 for the above-referenced project. The Plan was submitted to OER under the NYC Voluntary Cleanup Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on December 17, 2014. There were no public comments.

#### Project Description

The proposed future use of the Site will include a building with mixed commercial and residential use. A cellar incorporating 38 parking spaces has been proposed for future development; the square footage of this area is currently unknown. The footprint of the proposed building will encompass 24,855.91 square feet of the 24,928.1 square-foot block. Excavation depths are estimated to range from 3-18 feet below grade surface (bgs) given the varying surface elevation of the lot across the block. The deepest excavation will be concentrated along the northwestern edge of the property, along Park Avenue, where the surface elevation is highest. Shallower excavation will take place along the southern extents of the property where the surface elevation is lowest. The first floor of the proposed development includes commercial (21,442.09 square feet) and residential (3,413.82 square feet) spaces. Floors 2 through 11 consist of 160,503.89 square feet of residential space for a total of 185,359.80 square feet of development. The current zoning designation is R8 for residential use. The proposed use is consistent with existing zoning for the property.

#### Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program project known as “3160 Park Avenue” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1.

#### Description of Selected Remedy

The remedial action selected for the 3160 Park Avenue 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.
2. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency specified by disposal facilities requirements. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to the start of the remedial action.
4. Selection of NYSDEC 6NYCRR Part 375 Table 6.8; Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).

5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
6. Excavation and removal of soil/fill exceeding Unrestricted Use SCOs. For development purposes, the entire property will be excavated to a depth from 3 feet to 18 feet below grade for construction of the new building's cellar. Approximately 11,000 yards of soil will be excavated and removed from this property.
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 underground storage tanks (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.
11. Collection and analysis of 12 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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
15. 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 implemented will constitute Engineering and Institutional Controls:

16. As part of development, construction and maintenance of an engineered composite cover consisting of a concrete foundation including a 6" slab on grade mat foundation with spread footings. The slab on grade is underlain by 6" of ¾" crushed stone over a compacted sub grade. The perimeter of the building is bordered by a typical concrete sidewalk, including 4" of concrete underlain by 5" of ¾" compacted gravel to prevent human exposure to residual soil/fill remaining under the Site;
17. As part of development, installation of a vapor barrier system beneath the building slab and outside foundation sidewalls below grade.
18. As part of development, installation and operation of a passive sub-slab depressurization system and vapor barrier.
19. If Track 1 SCOs are not achieved, 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.
20. If Track 1 SCOs are not achieved, Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and Institutional Controls 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.

The remedy for Hazardous Materials 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, 2014



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Date

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William Wong  
Project Manager

December 22, 2014



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Date

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Shaminder Chawla  
Deputy Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER  
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