



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**  
**NYC VCP Remedial Action Work Plan Approval**

May 12, 2016

Re: 401 East 120<sup>th</sup> Street  
401-411 East 120<sup>th</sup> Street, 2340-2350 First Avenue  
Manhattan Block 1808, Lot 10 (formerly part of Lot 8)  
VCP Number 15CVCP130M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated November 2015 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 13, 2015. There were no comments.

**Project Description**

The Site is located at 401 East 120<sup>th</sup> Street in the East Harlem section of Manhattan, New York. The Site is an approximately 31,157 square feet and is bounded by 15-story apartment buildings to the north; East 120<sup>th</sup> Street followed by numerous commercial retail, offices, institutional and residential buildings to the south; commercial buildings on adjacent Lot 8, followed by a 15-story apartment building to the east; and 1<sup>st</sup> Avenue followed by Ja high school to the west.

Currently, the Site is developed with an approximately 4,480-square foot, 1-story building occupied by a school/office/commercial facility. The remainder of the Site consists of an asphalt-paved parking lot. The proposed development consists of a 12-story slab-on-grade building which will consist primarily of residential units with mixed commercial uses on the first floor. The proposed use includes 184,611 square feet of residential space, 5,450 square feet of commercial space, and 3,920 square feet of community facility space. The proposed building will cover a footprint of 27,554 square feet with the remainder of the site consisting of an asphalt-paved parking lot.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program project known as “401 East 120<sup>th</sup> Street” 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 401 East 120<sup>th</sup> Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. 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 dictated by disposal facility(s).
6. Excavation and removal of soil/fill exceeding Site Specific (Track 4) SCOs. The entire footprint of the Site will be excavated to a depth of approximately 2 feet below grade. The southwestern portion of property, where the former gasoline station was located, will be excavated to the depth of 8 feet below grade for UST removal. Approximately 3,600 tons of typical historic fill and 150 tons of petroleum-impacted soil will be disposed at an appropriately licensed or permitted facility.
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 in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
9. Removal of five known 550-gallon USTs from the southwestern portion of the Site. Removal of other unknown USTs that are encountered during soil/fill removal actions. Registration of tanks and reporting of new petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
10. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of Site Specific Track 4 SCOs.
11. NYSDEC will review the closure documentation for Spill No. 1503447 following tanks removal and associated contaminated soil removal per NYSDEC requirements which includes collection of a groundwater grab sample upon excavation of UST location at the southwestern portion of the Site. A separate spill closure report may be required by NYSDEC and will also be included in the final Remedial Action Report.
12. Transportation and off-Site disposal of all soil/fill material at licensed or 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.
13. Placement of demarcation layer in areas used for parking.
14. Construction of an engineered composite cover consisting of a six-inch thick concrete building slab with a 12-inch clean granular sub-base beneath all building areas.
15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil vapor barrier, Vaporblock® Plus VBP20 by Raven Industries, or similar, below the slab throughout the full building area. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
16. Installation of a sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a 6-inch thick layer of 2-inch trap rock stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. The passive sub-slab depressurization system is an Engineering Control for the remedial action. The remedial engineer will certify in the Remedial Action Report that the passive sub-slab depressurization system was designed and properly installed to establish a vacuum in the gas permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building.
17. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
18. Performance of all activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.
19. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
20. 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 lists any changes from the RAWP.

21. 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.
22. 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.



May 12, 2016

Date

Sarah Pong  
Senior Project Manager



May 12, 2016

Date

Shaminder Chawla  
Deputy Director

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