



OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director
Tel: (212) 788-8841
Fax: (212) 788-2941

DECISION DOCUMENT
NYC VCP Remedial Action Work Plan Approval

February 10, 2015

Re: **37-10 Crescent Street**
Queens Block 367, Lot 27
Hazardous Materials “E” Designation
E-218: October 7, 2008 - Dutch Kills Rezoning and Related Action – CEQR# 08 DCP 021Q
OER Project Number 15EHAZ057Q / VCP Number 15CVCP057Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated December 2014 with Stipulation Letter dated January 5, 2015 for the above-referenced project. The Plan was submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on January 18, 2015. There were no public comments.

Project Description

The proposed future use of the Site will consist of a 7-story residential and manufacturing mixed use building with a full basement. The first floor will consist of manufacturing space. Floors 2 through 6 will consist of residential apartments with a community space on the 7th floor. The proposed basement will be utilized as a parking garage, mechanical room and boiler room. The foundations of the building are to be determined upon the completion of geotechnical investigation. The new building footprint will cover the entire Site. For the construction of the new basement, the proposed development of the Site will require excavation to a depth of approximately 10-11 feet below grade surface (bgs). Therefore, an estimated 7,350 cubic yards (11,000 tons) of soil will be removed for excavation of the new building’s basement. The current zoning designation is M1-2/R6A denoting it as mixed use manufacturing and residential. 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 and E-Designation project known as “37-10 Crescent Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazmat

The remedial action selected for the 37-10 Crescent Street 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. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Selection of NYSDEC 6NYCRR Part 375 Unrestricted Use (Track 1) 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 and disposal facility(s) approval letters will be submitted to NYCOER prior to the start of the remedial action.
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The entire footprint of the Site will be excavated to a depth of approximated 10-11 feet below grade for construction of the new building's basement level. Approximately 7,350 cubic yards (11,000 tons) of soil will be excavated and removed from this Site. 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.
7. 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.
8. 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.
9. 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.
10. Collection and analysis of six end-point samples to determine the performance of the remedy with respect to attainment of Track 1 SCOs.
11. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
12. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
13. 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.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering Controls:

14. As part of new development, a 60-mil vapor barrier consisting of Geo-Seal® Triple-Layer System (2 chemical resistant layers and 1 spray applied core layer) will be installed beneath the building slab and behind the foundation walls.
15. As part of new development, construction and maintenance of an engineered composite cover consisting of a 5" concrete building slab to prevent human exposure to residual soil/fill remaining under the Site.
16. As part of new development, construction and operation of a ventilated parking garage as per NYC Building Department's codes and requirements.
17. 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.
18. If Track 1 SCOs are not achieved, the property will continue to be registered with an E-Designation by 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.

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.

February 10, 2015



Date

Sarah Pong
Project Manager

February 10, 2015



Date

Shaminder Chawla
Deputy Director

cc: Sheldon Stein, Ranger Properties – ss@rangerproperties.com
Ezgi Karayel, Athenica Environmental Services – ekarayel@athenica.com
Chris Fogarty, R.A. – chris.fogarty@fogartyfinger.com
Daniel Walsh, Zach Schreiber, Maurizio Bertini, Hannah Moore
Sarah Pong, PMA-OER