



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

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

Tel: (212) 788-8841

**DECISION DOCUMENT**

**NYC VCP and E-Designation Remedial Action Work Plan Approval**

November 9, 2015

Re: **221 East 138th Street (250 Canal Place, 221 - 223 East 138 Street)  
Bronx, Block 2340, Lots 56 and 58  
Hazardous Materials “E” Designation  
E-227: 6/30/2009 - Lower Concourse Rezoning and Related Actions - CEQR 08 DCP 071X  
OER Project Number: 16EHAZ014X / VCP Number: 16CVCP011X**

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

**Project Description**

The proposed future use of the Site will consist of a new 10-story mixed-use commercial and residential building with a full cellar and will be approximately 50,000 square feet in net zoning area. The proposed building will occupy the entirety of lots 56 and 58 with the exception of a 30' x 100' rear yard located in the northern portion of the Site. The rear yard will be used as a driveway and ramp for the parking garage in the basement and the first floor and the rear yard will be a 3 ½" thick concrete slab atop a 2 ½" thick metal deck. The cellar will occupy the entirety of lots 56 and 58 and will be used for parking, residential and maintenance storage, a compactor room and a storm water detention tank. The cellar slab will be a 3-foot 3-inch mat slab. The first floor will consist of two (2) commercial retail units encompassing approximately 3,500 square feet, a residential lobby and recreation space encompassing approximately 400 square feet. The remaining 6,100 square feet of the first floor will be occupied by car and bicycle parking, an enclosed car ramp down to the cellar, refuse storage, a gas meter room, an electrical meters and equipment room and a mechanical closet. The total excavation depth is anticipated to be 10 feet below grade surface (bgs) and 15 feet bgs in the proposed elevator pit. An estimated 3,700 cubic yards (5,500 tons) of soil will be excavated for the building's cellar. Floors 2 – 10 will contain a total of 47 residential units.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “221 East 138th 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 Hazardous Materials**

The remedial action selected for the 221 East 138th 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. Establishment of Track 4 Site-specific Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Perform additional site characterization sampling of soil. Four (4) soil probes will be installed and eight (8) soil samples will be collected.
6. 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).
7. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs.  
The entire footprint of the Site will be excavated to a depth of approximately 10 feet below grade for development purposes. A small portion of property will be excavated to the depths of 15 feet below grade for an elevator pit. Approximately, 5500 tons of soils will be excavated and removed from this Site.
8. 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.
9. 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.
10. Removal of one (1) UST from the northwest portion of the Site. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
11. 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.
12. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Construction of an engineered composite cover consisting of a 3-foot thick concrete mat slab on top of a 3-inch concrete mud slab over a 6-inch layer of compacted crushed stoned beneath all building areas. The rear yard will consist of a 3 ½-inch layer of concrete on a 2-inch thick metal deck to support the parking ramp.
15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 47.2-mil Grace PrePrufe 300R waterproofing vapor barrier below the slab throughout the full building area and a 31.5-mil Grace PrePrufe 160R waterproofing vapor barrier outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
16. Construction and operation of a cellar and grade-level parking garage with high volume air exchange in conformance with NYC Building Code.
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. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.

20. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
21. Submission of a 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 describes all Engineering and Institutional Controls to be implemented at the Site.
22. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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.
23. 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.

The remedy for Hazardous Materials described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

November 9, 2015



Date

William Wong  
Project Manager

November 9, 2015



Date

Shaminder Chawla  
Deputy Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER  
 Anthony Gurino, 221 E 138th LLC (Tahoe Development) - [agurino@tahoedevelop.com](mailto:agurino@tahoedevelop.com)  
 Michael Muroff, R.A., Michael Muroff Architect LLC - [cruiz@muroffarch.com](mailto:cruiz@muroffarch.com)  
 Joseph Gulino, P.E., Structural Engineer System - [josephagulino@aol.com](mailto:josephagulino@aol.com)  
 Paul Matli, Hydro Tech Environmental, Corp. - [pmatli@hydrotechenvironmental.com](mailto:pmatli@hydrotechenvironmental.com)