



OFFICE OF ENVIRONMENTAL REMEDIATION

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DECISION DOCUMENT
NYC VCP and E-Designation
Remedial Action Work Plan Approval

November 25, 2014

Re: 502 Waverly Avenue (aka 882 Fulton Street)
Brooklyn Block 2011, Lot 30
Hazardous Materials and Noise “E” Designation
E-183: July 25, 2007 Fort Greene / Clinton Hill Rezoning - CEQR 07DCP066K
OER Project Number 14EH-N226K / VCP Number 14CVCP227K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2014 with Stipulation Letter dated August 13, 2014 and the Remedial Action Plan for Noise dated November 2014 for the above-referenced project. These Plans were 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 August 11, 2014. There were no public comments.

Project Description

The proposed future use of the Site will consist of a new eight-story residential apartment building with ground floor retail, and one cellar level that will include vehicle parking, storage, and utility rooms. The apartments will consist of mixed affordable and market rate housing. The proposed development is expected to cover the entire footprint of the Site, with the exception of a 16 foot subgrade setback at the northern side of the site. The proposed development will require excavation to a depth of approximately 10 feet below grade with the exception of the parking area, which will require excavation to a depth of approximately 23 feet below grade. An elevator pit at the western side of the Site will require excavation to a depth of approximately 15 feet below grade, and a trench in the parking area will require excavation to approximately 26 feet below grade. The soil excavation includes removal of approximately 3,230 tons of soil from the below-grade parking area and 5,900 tons from the remainder of Site. A total of approximately 9,130 tons of soil will be excavated. Groundwater is expected to be at approximately 65 feet below grade; therefore, excavation activities are not likely to encounter groundwater.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “502 Waverly Avenue (aka 882 Fulton 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 502 Waverly Avenue (aka 882 Fulton 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. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establish 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. Excavation and removal of soil/fill exceeding Track 1 SCOs. The excavation depth of the new building will be approximately 23 feet below grade for the below grade parking area and approximately 10 feet below grade for the remainder of the Site. An elevator pit at the western side of the Site will require excavation to a depth of approximately 15 feet below grade, and a trench in the parking area will require excavation to approximately 26 feet below grade. Approximately 9,130 tons of soil will be excavated and removed from this site.
6. 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. 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.
8. 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.
9. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
10. Import of materials to be used for backfill and cover (if necessary) in compliance with this plan and in accordance with applicable laws and regulations.
11. As part of new development, installation of a vapor barrier system beneath the building slab and outside foundation sidewalls below grade.
12. As part of new development, construction and maintenance of an engineered composite cover consisting of a 12" thick concrete building slab in the cellar parking area, 6" thick concrete building slab in the remainder of the cellar, and an 8" thick at-grade concrete building slab in the setback area at the north side of the Site to prevent human exposure to residual soil/fill remaining under the Site. The proposed redevelopment of the property calls for a ground-floor build-out that covers the entire Site.
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. If Track 1 cleanup is not achieved, submission of an approved Site Management Plan (SMP) in the Remedial Action Report (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.
16. 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, and lists any changes from this RAWP.
17. If Track 1 cleanup is not achieved, the property will continue to be registered with an E Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls; 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.
18. CA RICH, in conjunction with Nicholas A. Andrianas, P.E., will be responsible to assure direct oversight of the community air monitoring, site inspections, invasive activity, soil screening, imported soil screening, truck inspections, housekeeping, notifications, odor and dust control, and daily reporting under this remedial action work plan and will certify in the Remedial Action Report the conformance of remedial action oversight activities with the requirements of this work plan. CA Rich, in conjunction with Nicholas A. Andrianas, P.E., will assure appropriate training of field oversight personnel. Individuals assigned to perform these activities will be identified prior to the commencement of field activities, and any changes to these personnel during field activities will be noted in the daily reports.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 502 Waverly Avenue (aka 882 Fulton Street) site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuation-will be achieved at the locations described below:

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Facades	OITC-28 window with OITC-33 glass	Rating based on glass only (ASTM E-90 Lab Test Report). Window ASTM E-90 Lab Test Report to be provided to OER prior to purchase and installation.	TBD	¼”annealed glass -1/2” air space -5/16” clear annealed

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. While the applicant is currently in the process of receiving bids from prospective window manufacturers, the applicant commits to demonstrating that the selected manufacturer’s window products achieve the minimum OITC requirement of 28 dB(A) for the residential spaces and 23 dB(A) for commercial spaces. If the selected manufacturer does not have ASTM E90 test data on file for the specific window assemblies to be installed, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement. Specifically, a typical window configuration of approximately 10 feet by 8 feet, including a fixed portion and operable portion would be tested as per ASTM E90 for a representative window assembly.

In order to satisfy the requirements of the E-Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

1. **PTAC Units:** Fresh air will be provided to all bedrooms and living rooms by the Applied Comfort model DHPC (or OER-approved equivalent) PTAC units on all floors excluding the 7th. A fresh air selector lever enables users to open and close the fresh air door.
2. **Trickle Vents:** Fresh air will be provided to all 7th floor bedrooms and living rooms by trickle vents (series 512 Ventrow Isolock Horizontal Ventilator trickle vents manufactured by Kawneer, or OER-approved equivalent).
3. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.

The remedies for Hazardous Materials and Noise 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.

11-25-2014



Date

Shana Holberton
Project Manager

11-25-2014



Date

Shaminder Chawla
Deputy Director

11-25-2014



Date

Maurizio Bertini
Assistant Director

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