May 4, 2015

New York City Office of Environmental Remediation
City Voluntary Cleanup Program
℅ Shaminder Chawla
100 Gold Street, 2nd Floor
New York, NY 10038

Re: VCP # 15CVCP103K
   E-Designation # 15EHAN033K
   77 Commercial Street, Brooklyn, NY
   Remedial Action Work Plan (RAWP) Stipulation List

Dear Mr. Chawla:

AKRF Engineering, P.C. (AKRF) hereby submits a Remedial Action Plan (RAWP) Stipulation List for the above-referenced Site to the New York City Office of Environmental Remediation (OER) on behalf of Waterview at Greenpoint, LLC. This letter serves as an addendum to the RAWP to stipulate additional content, requirements, and procedures that will be followed during the site remediation. The contents of this list are added to the RAWP and will supersede the content in the RAWP where there is a conflict in purpose or intent. The additional requirements/procedures include the following Stipulation List below:

1. The criterion attached in Appendix 1 will be utilized if additional petroleum-containing tank(s) or vessel(s) are identified during the remedial action or subsequent redevelopment excavation activities. All petroleum spills will be reported to the NYSDEC hotline as required by applicable laws and regulations. This contingency plan is designed for heating oil tanks and other small or moderately sized storage vessels. If larger tanks, such as gasoline storage tanks, are identified, OER will be notified before this criterion is utilized.

2. A pre-construction meeting is required prior to start of remedial excavation work at the site. A pre-construction meeting will be held at the site and will be attended by OER, the developer or developer representative, the consultant, excavation/general contractor, and if applicable, the soil broker.
3. A pre-approval letter from all disposal facilities will be provided to OER prior to any soil/fill material removal from the site. Documentation specified in the RAWP - Appendix 3 - Section 1.6 “Materials Disposal Off-Site” will be provided to OER. If a different disposal facility for the soil/fill material is selected, OER will be notified immediately.

4. Signage for the project will include a sturdy placard mounted in a publically accessible right-of-way to building and other permits signage will consist of the NYC VCP Information Sheet (attached in Appendix 2) announcing the remedial action. The Information sheet will be laminated and permanently affixed to the placard.

5. If the site contains hazardous waste that will be excavated and disposed of off-site, OER will work with the development team to seek an exemption for the property from the $130/ton state Hazardous Waste Program Fee. To qualify for an exemption, the site must maintain enrollment in the city Voluntary Cleanup Program; hazardous waste must result from remedial action set forth in a cleanup plan approved by OER; and OER must oversee the cleanup. It is the applicant’s responsibility to notify your OER Project Manager, copying supervising Project Manager and Shaminder Chawla, before hazardous waste is shipped from your site. Unless the Department of Environmental Conservation is notified before waste is shipped from your site, you may not receive an exemption from the fee. The exemption does not cover, and you remain liable for, the Special Assessment on Hazardous Waste (established by ECL§ 27-0923) which charges a fee of up to $27 per ton for hazardous waste generated that is due at the State Department of Taxation and Finance 30 days after the end of the quarter in which the waste was generated. Appendix 3 includes additional information about the Exemption for Hazardous Waste Program Fee.

6. Collection and analysis of 11 end-point samples from the bottom of the excavation to evaluate the performance of the remedy with respect to attainment of Track 4 SCOs. A map indicating proposed end-point sampling locations is attached in Appendix 4. Samples will be analyzed for contaminants of concern including volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), metals, and polychlorinated biphenyls (PCBs).

7. OER requires parties seeking City Brownfield Incentive Grants to carry insurance. For a cleanup grant, both the excavator and the trucking firm(s) that handle removal of soil must carry or be covered under a commercial general liability (CGL) policy that provides $1 million per claim in coverage. OER recommends that excavators and truckers also carry contractor’s pollution liability (CPL) coverage, also providing $1 million per claim in coverage. The CGL policy, and the CPL policy if obtained, must name the City of New York, the NYC Economic Development Corporation, and Brownfield Redevelopment Solutions as additional insured. For an investigation grant, an environmental consultant must be a qualified vendor in the BIG program and carry $1 million of professional liability (PL) coverage. A fact sheet regarding insurance is attached as Appendix 5. Note: Due to the gross square footage of this project (i.e., greater than 100,000 square feet), the project may not be eligible for BIG Program grants.
8. Daily reports will be provided during active excavation work. If no work is performed for extended time period, daily report frequency will be reduced to a weekly basis. A daily report template is attached in Appendix 6.

9. Sub-Grade Ventilation System - Exposure to soil vapor will be prevented by installing and operating an air exchange system for sub-grade parking areas. As part of the development plan, sub-cellar and cellar parking areas will be constructed in the building and ventilated in accordance with the New York City building code. The operation of this sub-grade ventilation system will prevent accumulation of potential soil vapor in these areas, and further prevent migration of soil vapor into the occupied above-grade spaces of the building. Appendix 7 shows the planned location(s) of sub-grade ventilated areas and presumed air flow.

10. A passive sub-slab depressurization system (SSDS) will be designed and installed beneath the waterproofing/vapor barrier system in areas of the building where the bottom of the lowest floor slab grade is installed above the water table and where the use is a non-parking use, i.e., indoor space, including occupied space, mechanical space, common corridors, etc., except where the bottom of the slab is within two feet above the groundwater table. The building design at time of submission is such that approximately 6,500 square feet located in the northwestern corner of the first floor of the building base will be completed at grade. This at-grade area of the building will contain a children’s room, a pet spa and a community facility. A passively operated sub-slab depressurization system will be installed in this area of the structure. The SSDS will consist of two sets of 4-inch diameter slotted PVC pipe encased with a filter fabric located in an approximately 18-inch wide by 18-inch deep trench filled with aggregate beneath the waterproofing membrane/vapor barrier and new building slab (if the slab is greater than two feet above the water table). Each set of pipes will be configured beneath approximately 50 percent of the section of the building and vented to the roof through a 4-inch diameter galvanized steel pipe. Details of the SSDS are included in Appendix 8. Post-excavation confirmatory soil vapor sampling may be conducted to determine whether on-site excavation has addressed the identified soil vapor contamination.

11. The truck route leaving and entering the site is included in Appendix 9.

12. Dewatering will be performed in full compliance with applicable laws, rules and regulations. A dewatering permit will be obtained from NYCDEP prior to discharge to the sewer.

13. The stamped/signed RAWP certification page is included in Appendix 10.

14. Upon receipt of the Notice to Proceed, the development team plans to obtain an excavation permit and proceed with the installation of three piles to satisfy NYC’s 421a tax abatement requirement. It is anticipated that the pile work would commence on or about May 15, 2015 and would take up to 30 days. There are no soil disposal activities required to support the pile installation, however, test pits or shallow drilling are anticipated during this time period in preparation of the upcoming excavation. A Figure illustrating the location of the proposed pile work is included as Appendix 11.
Sincerely,
AKRF, Engineering, P.C.

Michelle Lapin, P.E.
Senior Vice President

Cc: Zachariah Schreiber, NYCOER