OFFICE OF ENVIRONMENTAL REMEDIATION
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February 13, 2012

Mr. Stephen Martinelli
LCOR Incorporated
One Penn Plaza, Suite 3310
New York, NY 10119

Mr. Marc Godick
AKRF, Inc
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: **Decision Document**
NYC BCP Remedial Action Work Plan Approval
250 North 10th Street
Block 2307, Lot 1 (formerly Lots 1, 14, 16, 19, 31)
BCP Project #12CBCP035K; OER Project #12EHAZ031K

Dear Mr. Martinelli:

The New York City Office of Environmental Remediation (OER), in consultation with the New York City Department of Health and Mental Hygiene (DOHMH), has completed its review of the Remedial Action Work Plan (RAWP) and Stipulation List for 250 North 10th Street, BCP Project #12CBCP035K, dated February 6, 2012. The Plan was submitted to OER under the NYC Brownfield Cleanup Program (BCP). The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on February 12, 2012. There were no public comments.

The following remedial action elements will be implemented at the project site:

Statement of Purpose and Basis

This document presents the remedy for a Brownfield Cleanup site known as "250 North 10th Street" site. This document is a summary of the information that can be found in the site-related reports and documents in the document repository at OER's website www.nyc.gov/oer.

The New York City Office of Environmental Remediation (the Office or OER), in consultation with the New York City Department of Health and Mental Hygiene (DOHMH), has established a

remedy for the above referenced site. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous substances.

The decision is based on the Administrative Record of the New York City Office of Environmental Remediation (the Office or OER) for the "250 North 10th Street" site and the public's input to the proposed remedy presented by the Office.

Description of Selected Remedy

The remedy selected for this "250 North 10th Street" site includes soil excavation, an engineered composite cover system, a vapor barrier, institutional controls, and site management

The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and implementation of a Citizen Participation Plan.
2. Perform a Community Air Monitoring Program during construction for particulates and volatile organic carbon compounds.
3. Excavation and removal of contaminated fill to a depth of 3 feet below sidewalk-level grade, removal of contaminated fill at two elevator pit locations to a depth of 5 feet below sidewalk-level grade, and additional excavation of soil from four hot spot locations where contaminants exceed the Track 4 SCOs, to the water table, which is anticipated to be encountered at 3 to 5 feet below sidewalk-level grade.
4. The criterion attached in Appendix 8 will be utilized if a petroleum containing tank or vessel is 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 and moderately sized storage vessels. If larger tanks, such as gasoline storage tanks are identified, OER will be notified before this criterion is utilized.
5. Construction and maintenance of an engineered composite cover consisting of a building slab to prevent human exposure to residual soil/fill remaining under the Site.
6. Installation of a vapor barrier system beneath the building slab.
7. 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 onsite.
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
9. Collection of end point samples at the site - see Figure 5 for the End Point Sampling Map showing results collected prior to initiating the RAWP.
10. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking and staking excavation areas.
11. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.

12. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
13. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.
14. 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.
15. Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and a requirement that management of these controls must be in compliance with an approved SMP; and Institutional Controls including 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 (where Track 1 SCOs are not achieved) unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval (unless Track 1 SCOs are achieved).

Remedial activities will be performed at the Site in accordance with this OER-approved RAWP. All deviations from the RAWP will be promptly reported to OER. Changes will be documented in the RAR.

This remedy 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. The remedy is protective of public health and the environment.

2/13/12
Date

Shaminder Chawla
Assistant Director

SITE BACKGROUND

Location:
The 250 North 10th Street Site (hereafter referred to as the "Site") is located at 264 North 10th Street in the Williamsburg section of Brooklyn, New York and is identified as Block 23007, Lot 1 (Lots 1, 14, 16, 19, 31) on the New York City Tax Map. Figure 1 shows the Site location.

Site Features:
The Site is approximately 50,000 square feet and is bounded by Roebling Street to the northwest, North 10th Street to the northeast, Union Avenue to the east, and Withers Street to the south. The majority of the southwestern border of the Site is bounded by adjacent lots within the site block, with a portion of the Site (Lot 31) extending to North 9th Street. Currently, the Site is vacant and contains foundation elements associated with the early stages of site redevelopment.

Current Zoning/uses:
The current zoning designation is M1-2/R6A. The proposed use is consistent with existing zoning for the property.

Summary of Environmental Findings:

1. Groundwater depth at the Site ranges from 4 to 5 feet bgs and flows northwest towards the East River.
2. The Site is underlain by urban fill consisting of sand, silt, and gravel with ash, brick, coal, wood, and glass to approximately 10 to 15 feet below street-level grade.
3. Depth to bedrock is not known
4. Soil analytical results from the August 2006 Hydro Tech Environmental Site Investigation Report indicated that volatile organic compounds (VOCs), including chloroform, acetone, benzene, methyl ethyl ketone (MEK), trichloroethene (TCE), toluene, tetrachloroethene (PCE), and naphthalene were detected at concentrations below the NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs). Semi-volatile organic compounds (SVOCs) were detected in shallow (0 to 2 feet) and deep (>6 feet) soil samples at concentrations that exceeded the UUSCOs and/or Restricted Use Restricted-Residential Soil Cleanup Objectives (RRSCOs). The SVOCs detected (including benzo(a)anthracene, benzo(a)pyrene, benzo(a)fluoranthene, chrysene) were indicative of historic fill. No PCBs or pesticides were detected in the soil samples above the laboratory detection limits. Metals, including arsenic, barium, cadmium, copper, lead, manganese, mercury, and zinc were detected in shallow soil (0 to 2 feet) and deep soil (>6 feet) at concentrations exceeding the UUSCOs and RRSCOs. Based on the results from the Hydro Tech Environmental report, a targeted analysis of metals (copper, mercury, arsenic, barium, and cadmium) at depths greater than 6 feet below sidewalk level was conducted by AKRF. Copper, lead, and mercury exceeded the UUSCOs and RRSCOs in the sampled locations.
5. Groundwater analytical results indicated that VOCs were not detected above the Class GA Ambient Water Quality Standard (GAWQS). SVOCs, including benzo(a)pyrene, benzo(b)fluoranthene and indeno(1,2,3-cd)pyrene, were detected in groundwater samples at concentrations slightly exceeding their respective GQS. The SVOCs detected are most likely attributable to the presence of suspended sediment (including urban fill materials)

entrained in the samples. Total metals analysis (unfiltered) indicated the presence of 14 metals that exceeded their respective GQS in one or more of the groundwater samples. The analytical results suggest that metals detections in the unfiltered (total) analysis are primarily due to suspended sediments. Dissolved metals analysis (filtered) indicated the presence of manganese and sodium at concentrations exceeding their respective GQSin all of the groundwater samples. Iron exceeded the GQSin samples GW-8 and GW-12. Lead, magnesium and selenium exceeded the GQSin sample GW-8. PCBs and pesticides were not detected in the groundwater samples.

6. Soil gas analytical results indicated that VOCs were detected in the soil gas samples at concentrations above their respective Health Effects Institute (HEI), United States Environmental Protection Agency (USEPA) and New York State Department of Health (NYSDOH) air guidance values (AGVs). The concentrations were observed to be randomly dispersed throughout the subsurface; no specific on-site source area of the vapors could be ascertained from the soil gas, soil, or groundwater data.

A site location map is attached as Figure 1.

LAND USE AND PHYSICAL SETTING

The Office may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For the 250 North 10th Street, a Track 1 remedial action alternative and a Track 4 remedial action alternative were considered in alternative analysis. The Track 1 alternative involves the removal of all soil down to 12 feet bgs (14 feet bgs for elevator pits, sump pits, etc.) above Track 1 SCOs for the entire site and importing clean fill to bring the site up to grade. The Track 4 alternative involves establishment of Track 4 SCOs, removal of soil/fill down to a depth of 3 to 5 feet throughout the entire site. Both alternatives action require collection of end-point samples to verify attainment of either the Track1 SCOs or Track 4 SCOs and the excavation and removal of approximately 2,800 cubic yards of soil/fill material.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

PROPOSED DEVELOPMENT PLAN

Detailed construction plans for the Site have been finalized. The proposed redevelopment plan will consist of a six-story residential building with a parking garage. The plan includes the construction of one 50,000 square foot six floor residential building that will occupy the entire site and achieve build-out to the property boundary. The footprint of the ground floor will include a parking garage, bicycle racks, and tenant storage, and will be approximately 1 to 2 feet below street-level grade. The ground floor will also feature a lobby that will be the same elevation as sidewalk grade, but at a higher elevator compared to the garage and storage spaces. Above the entire ground, will be the 1st floor of the building at an elevation approximately 10 feet above sidewalk grade. The 1st floor will house amenities (e.g., fitness room, lounge, and leasing office), mechanical equipment, outdoor recreation (referred to as “landscaped area”), and

30 residential apartments. The 2nd through 5th floors of the building will each have 43 residential apartments, and the 6th floor will have 32 residential apartments and a lounge. The roof of the building will have a sun deck. The outdoor recreation area on the 1st floor referred to as the "landscaped area" will be entirely above the ground floor of the building and landscaping will consist of pavers and aboveground planters.
The approximate soil volume that will be excavated during development of the Site is 2,800 cubic yards.

The remedial action contemplated under this RAWP may be implemented independently of the proposed redevelopment plan.

SUMMARY OF REMEDIAL INVESTIGATION

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 5.4.

Nature and Extent of Contamination:

Soil: Soil analytical results from the August 2006 Hydro Tech Environmental Site Investigation Report indicated that volatile organic compounds (VOCs), including chloroform, acetone, benzene, methyl ethyl ketone (MEK), trichloroethene (TCE), toluene, tetrachloroethene (PCE), and naphthalene were detected at concentrations below the NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs). Semi-volatile organic compounds (SVOCs) were detected in shallow (0 to 2 feet) and deep (>6 feet) soil samples at concentrations that exceeded the UUSCOs and/or Restricted Use Restricted-Residential Soil Cleanup Objectives (RRSCOs). The SVOCs detected (including benzo(a)anthracene, benzo(a)pyrene, benzo(a)fluoranthene, chrysene) were indicative of historic fill. No PCBs or pesticides were detected in the soil samples above the laboratory detection limits. Metals, including arsenic, barium, cadmium, copper, lead, manganese, mercury, and zinc were detected in shallow soil (0 to 2 feet) and deep soil (>6 feet) at concentrations exceeding the UUSCOs and RRSCOs. Based on the results from the Hydro Tech Environmental report, a targeted analysis of metals (copper, mercury, arsenic,

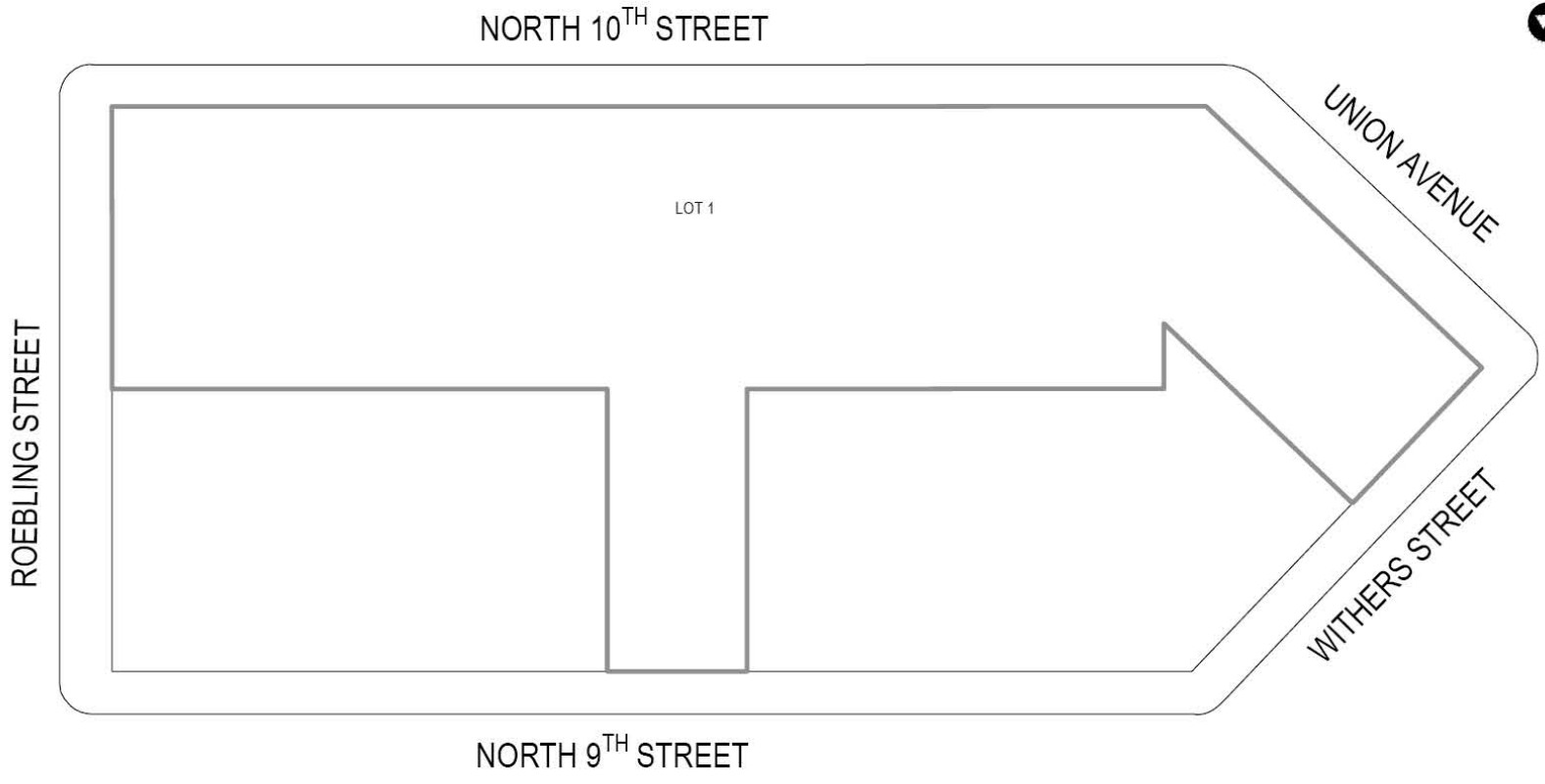
barium, and cadmium) at depths greater than 6 feet below street level was conducted by AKRF. Copper, lead, and mercury exceeded the UUSCOs and RRSCOs in the sampled locations.

Groundwater: Groundwater analytical results indicated that VOCs were not detected above the Class GA Ambient Water Quality Standard (GAWQS). SVOCs, including benzo(a)pyrene, benzo(b)fluoranthene and indeno(1,2,3-cd)pyrene, were detected in groundwater samples at concentrations slightly exceeding their respective Class GA standards. The SVOCs detected are most likely attributable to the presence of suspended sediment (including urban fill materials) entrained in the samples. Total metals analysis (unfiltered) indicated the presence of 14 metals that exceeded their respective Class GA standards in one or more of the groundwater samples. The analytical results suggest that metals detections in the unfiltered (total) analysis are primarily due to suspended sediments. Dissolved metals analysis (filtered) indicated the presence of manganese and sodium at concentrations exceeding their respective Class GA standards in all of the groundwater samples. Iron exceeded the Class GA standard in samples GW-8 and GW-12. Lead, magnesium and selenium exceeded the Class GA standards in sample GW-8. PCBs and pesticides were not detected in the groundwater samples.

Soil Vapor: Soil gas analytical results indicated that VOCs were detected in the soil gas samples at concentrations above their respective Health Effects Institute (HEI), United States Environmental Protection Agency (USEPA) and New York State Department of Health (NYSDOH) air guidance values (AGVs). The concentrations were observed to be randomly dispersed throughout the subsurface; no specific on-site source area of the vapors could be ascertained from the soil gas, soil, or groundwater data.

Figure 1

Site Map



AKRF
Environmental Consultants
440 Park Avenue South, New York, NY 10016

264 NORTH 10TH STREET
BROOKLYN, NEW YORK

SITE MAP

DATE
12.21.2011

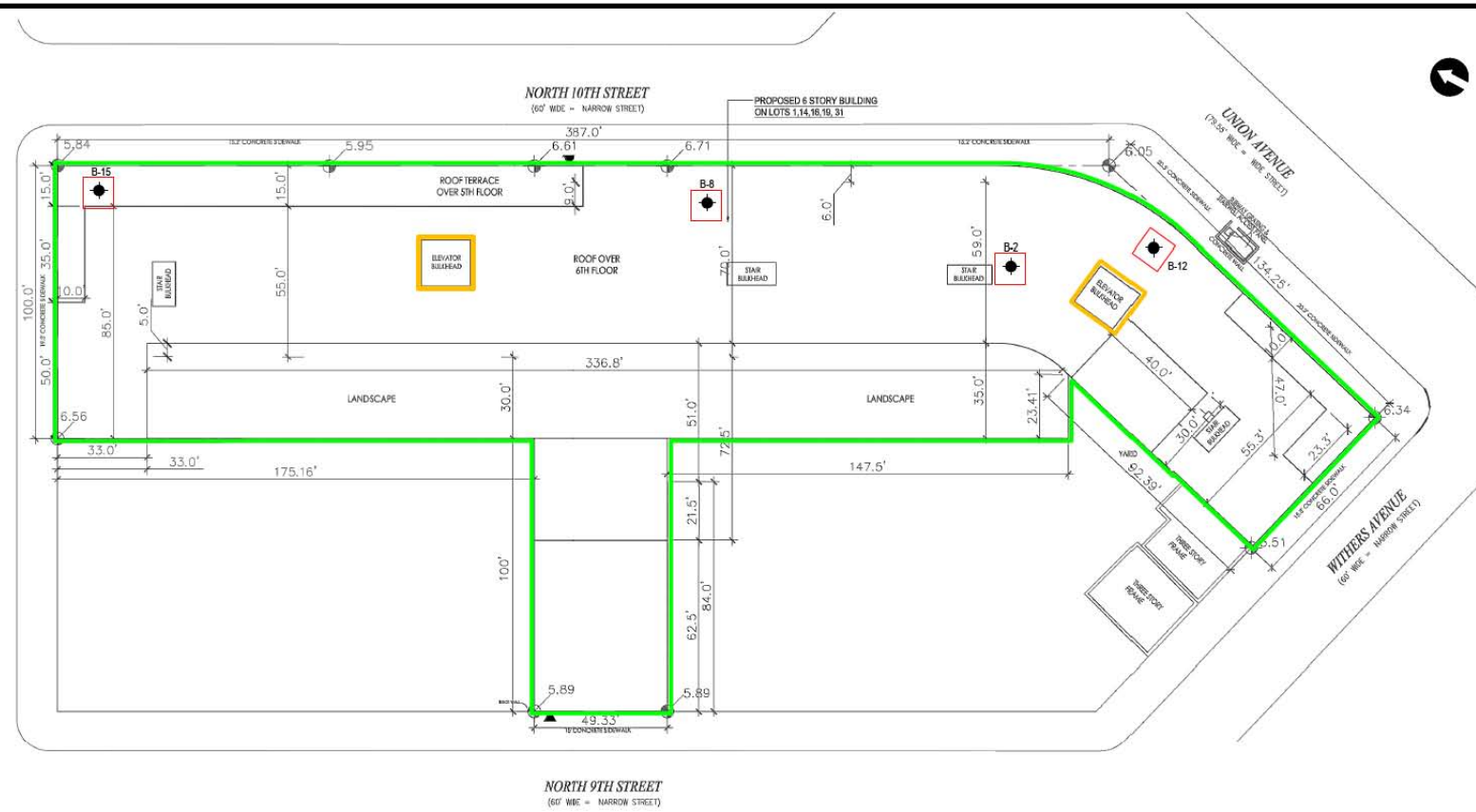
PROJECT NO.
11338

SCALE
as shown

FIGURE
2

Figure 2

Proposed Remedy (Excavation of Areas of Concern)



LEGEND:

- EXTENT OF EXCAVATION TO 5 FEET BELOW SIDEWALK LEVEL GRADE
- EXTENT OF EXCAVATION TO 3 FEET BELOW SIDEWALK LEVEL GRADE
- HOT SPOT REMOVAL EXTENT OF EXCAVATION TO THE WATER TABLE (EXPECTED DEPTH OF 3 TO 5 FEET BELOW SIDEWALK LEVEL GRADE)

SOURCE:
Based on Figure Site Plan, A-004.00
Prepared by SLCE Architects, LLP
841 Broadway New York, New York
Dec 2008

AKRF
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440 Park Avenue South, New York, NY 10016

264 NORTH 10th STREET
BROOKLYN, NEW YORK

SITE EXCAVATION PLAN

DATE
1.13.2012

PROJECT NO.
11338

SCALE
as shown

FIGURE
6