



April 30, 2013

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

**Re: 13CVCP116K
683 Marcy Avenue
Remedial Action Work Plan (RAWP) Stipulation List**

Dear Mr. Chawla:

EBC hereby submits a Remedial Action Work Plan (RAWP) Stipulation List for the subject site to the New York City Office of Environmental Remediation (NYCOER) on behalf of 683 Marcy Avenue Realty, 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

1. The criterion attached in Addendum 1 will be utilized if 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 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. It is the responsibility of the project team to implement a Construction Health & Safety Plan (CHASP) in accordance with local, state, and federal laws and regulations. The CHASP is included in the RAWP as Attachment B.
3. The vapor barrier design (cross-section and plan showing horizontal extent) is attached as Addendum 2.
4. Site-specific compatibility letter for the proposed vapor barrier product is attached as Addendum 3.
5. In the event that hazardous waste is identified during the remedial action or subsequent redevelopment excavation activities at this NYC VCP project, and removal and transportation of hazardous waste becomes necessary, the project may be subject to the New York State Department of Environmental Conservation's Special Assessment Tax



(ECL 27-0923) and Hazardous Waste Regulatory Fees (ECL 72-00402). See DEC's website for more information: <http://www.dec.ny.gov/chemical/9099.html>.

6. A CD containing the final RAWP including this approved Stipulation List will be placed in the library that constitutes the primary public repository for project documents.
7. 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 Addendum 4) announcing the remedial action. The Information sheet will be laminated and permanently affixed to the placard.
8. Signed and stamped RAWP certification page is attached in Addendum 5.
9. OER requires parties seeking City Brownfield Incentive Grants (BIG) 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 and a contractor's pollution liability (CPL) policy, both of which must provide \$1 million per claim in coverage. Both policies must name the City of New York, the NYC Economic Development Corporation, and Brownfield Redevelopment Solutions as additional insured. A fact sheet regarding insurance is attached as Addendum 6.
10. Daily report will be provided during active excavation work. If no work is performed for extended time period, daily report frequency will be reduced to weekly basis.

Sincerely,

Environmental Business Consultants



Kevin Brussee

cc: H. Moore

Addendum 1

Generic Procedures for Management of Underground Storage Tanks identified under the NYC BCP

Prior to Tank removal, the following procedures should be followed:

- Remove all fluid to its lowest draw-off point.
- Drain and flush piping into the tank.
- Vacuum out the “tank bottom” consisting of water product and sludge.
- Dig down to the top of the tank and expose the upper half.
- Remove the fill tube and disconnect the fill, gauge, product, vent lines and pumps. Cap and plug open ends of lines.
- Temporarily plug all tank openings, complete the excavation, remove the tank and place it in a secure location.
- Render the tank safe and check the tank atmosphere to ensure that petroleum vapors have been satisfactorily purged from the tank.
- Clean tank or remove to storage yard for cleaning.
- If the tank is to be moved, it must be transported by licensed waste transporter. Plug and cap all holes prior to transport leaving a 1/8 inch vent hole located at the top of the tank during transport.
- After cleaning, the tank must be made acceptable for disposal at a scrap yard, cleaning the tanks interior with a high pressure rinse and cutting the tank in several pieces.

During the tank and pipe line removal, the following field observations should be made and recorded:

- A description and photographic documentation of the tank and pipe line condition (pitting, holes, staining, leak points, evidence of repairs, etc.).
- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with a calibrated photoionization detector (PID).

Impacted Soil Excavation Methods

The excavation of the impacted soil will be performed following the removal of the existing tanks. Soil excavation will be performed in accordance with the procedures described under Section 5.5 of Draft DER-10 as follows:

- A description and photographic documentation of the excavation.
- Examination of the excavation floor and sidewalls for physical evidence of contamination (odor, staining, sheen, etc.).
- Periodic field screening (through bucket return) of the floor and sidewalls of the excavation, with calibrated photoionization detector (PID).

Final excavation depth, length, and width will be determined in the field, and will depend on the horizontal and vertical extent of contaminated soils as indentified through physical examination (PID response, odor, staining, etc.). Collection of verification samples will be performed to evaluate the success of the removal action as specified in this document.

The following procedure will be used for the excavation of impacted soil (as necessary and appropriate):

- Wear appropriate health and safety equipment as outlined in the Health and Safety Plan.
- Prior to excavation, ensure that the area is clear of utility lines or other obstructions. Lay plastic sheeting on the ground next to the area to be excavated.
- Using a rubber-tired backhoe or track mounted excavator, remove overburden soils and stockpile, or dispose of, separate from the impacted soil.
- If additional UST's are discovered, the NYSDEC will be notified and the best course of action to remove the structure should be determined in the field. This may involve the continued trenching around the perimeter to minimize its disturbance.
- If physically contaminated soil is present (e.g., staining, odors, sheen, PID response, etc.) an attempt will be made to remove it, to the extent not limited by the site boundaries or the bedrock surface. If possible, physically impacted soil will be removed using the backhoe or excavator, segregated from clean soils and overburden, and staged on separated dedicated plastic sheeting or live loaded into trucks from the disposal

facility. Removal of the impacted soils will continue until visibly clean material is encountered and monitoring instruments indicate that no contaminants are present.

- Excavated soils which are temporarily stockpiled on-site will be covered with tarp material while disposal options are determined. Tarp will be checked on a daily basis and replaced, repaired or adjusted as needed to provide full coverage. The sheeting will be shaped and secured in such a manner as to drain runoff and direct it toward the interior of the property.

Once the site representative and regulatory personnel are satisfied with the removal effort, verification of confirmatory samples will be collected from the excavation in accordance with DER-10.

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Once the site representative and regulatory personnel are satisfied with the removal effort, verification of confirmatory samples will be collected from the excavation in accordance with DER-10.



ENVIRONMENTAL BUSINESS CONSULTANTS

Addendum 2 Vapor Barrier Plans



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD
RIDGE, NY 11961

PHONE 631.504.6000
FAX 631.924.2870

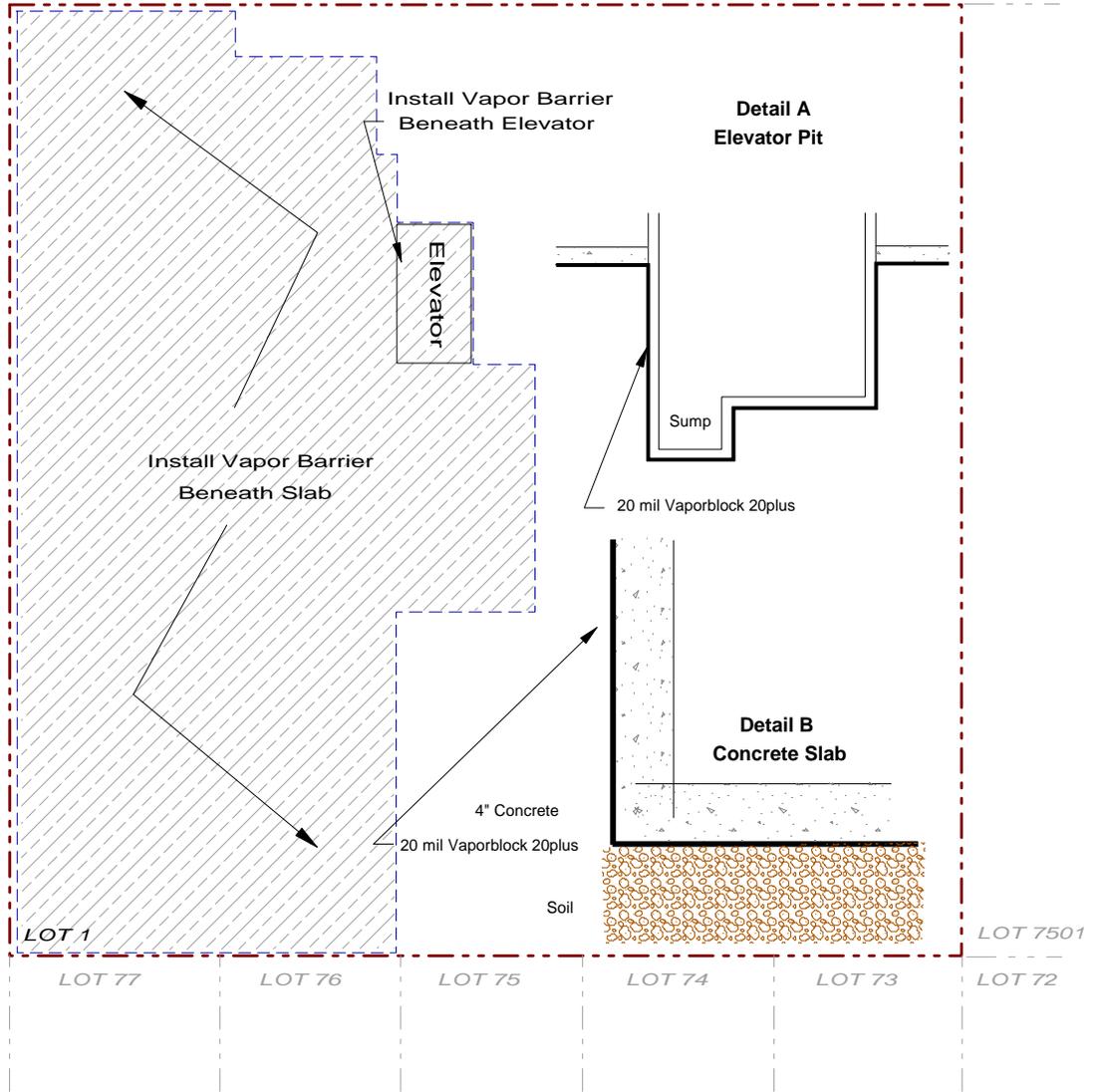


KOSCIUSZKO STREET

SIDEWALK

MARCY AVENUE

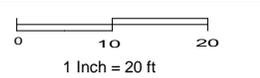
SIDEWALK



Key

- Site Boundary
- Basement Boundary

Scale



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

683-689 MARCY AVENUE
BROOKLYN, NY

FIGURE 6 VAPOR BARRIER PLAN

Addendum 3
Site-Specific Vapor Barrier
Compatibility Letter



Kevin Brussee
Project Manager
Environmental Business Consultants
1808 Middle Country Road
Ridge, NY 11961

May 2, 2013

Phone: 631-504-6000 x 114

Re: 683 Marcy Avenue, Brooklyn, NY

Dear Mr. Brussee,

I have reviewed the following documents for the above referenced project:

- Remedial Investigation Report, 683 Marcy Avenue, Brooklyn, NY dated February 2013, including tables 1-12

The identified contaminants at the levels reported will not have an adverse effect on the vapor barrier properties of the proposed 20-mil thick, Model "VaporBlock PLUS" vapor barrier liner systems, manufactured by Raven Industries, Inc., provided standard design and installation procedures are followed. Standard installation instructions and details can be found on our website at www.ravenfd.com.

Upon receipt of "proof of installation" by the qualified vendor/installer, Raven Industries, Inc. would issue a warranty of [20] years for the product.

A handwritten signature in black ink that reads "Dan Smith". The signature is written in a cursive style with a large, looped "D" and "S".

Dan Smith
Senior Development Engineer
Raven Ind. Inc.
(800) 635-3456
dan.smith@ravenind.com

ENGINEERED FILMS DIVISION



PH: (800) 635-3456 - www.rufco.com - FAX: (605) 331-0333
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Addendum 4
Signage



NYC Brownfield Cleanup Program

This property is enrolled in the New York City Brownfield Cleanup Program for environmental remediation. This is a voluntary program administered by the NYC Office of Environmental Remediation.

For more information, log on to:

www.nyc.gov/oer



If you have questions or would like more information,
please contact:

Hannah Moore at (212) 788-8841
or email us at brownfields@cityhall.nyc.gov

683 Marcy Avenue Site
Site #: 13CVCP116K



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Addendum 5 **RAWP Certification**



ENVIRONMENTAL BUSINESS CONSULTANTS

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RIDGE, NY 11961

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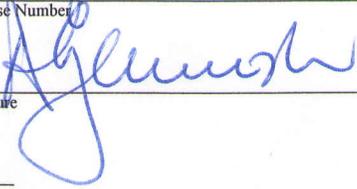
CERTIFICATION

I, Ariel Czemerinski, am a Professional Engineer licensed in the State of New York. I have primary direct responsibility for implementation of the remedial action for the Redevelopment project located at 683 Marcy Avenue, Brooklyn, NY (NYC VCP Number: 13CVCP116K), .

I certify that this Remedial Action Work Plan (RAWP) has a plan for handling, transport and disposal of soil, fill, fluids and other materials removed from the property in accordance with applicable City, State and Federal laws and regulations. Importation of all soil, fill and other material from off-Site will be in accordance with all applicable City, State and Federal laws and requirements. This RAP has provisions to control nuisances during the remediation and all invasive work, including dust and odor suppression.

Ariel Czemerinski
Name

076508
NYS PE License Number


Signature

5/4/13
Date





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Addendum 6 Insurance Fact Sheet



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD
RIDGE, NY 11961

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FAX 631.924.2870

FACT SHEET – BIG PROGRAM INSURANCE REQUIREMENTS

Investigation Grants – for a developer or site owner to be eligible for a BIG investigation grant, its environmental consultant(s) must be:

- a Qualified Vendor in the BIG Program; and
- maintain Professional Liability (PL) insurance of \$1M per claim and annual aggregate.

Cleanup Grants – for a developer or site owner to be eligible for a BIG cleanup grant:

- Its general contractor or excavation/foundation contractor hired to perform remedial work must maintain:
 - a. Commercial General Liability(CGL) insurance of at least \$1M per occurrence and \$2M in the general aggregate; and
 - b. Contractors Pollution Liability (CPL) insurance of at least \$1M per occurrence.

Both policies must list the city, EDC and BRS as additional insureds, include completed operations coverage and be primary and non-contributory to any other insurance the additional insureds may have.

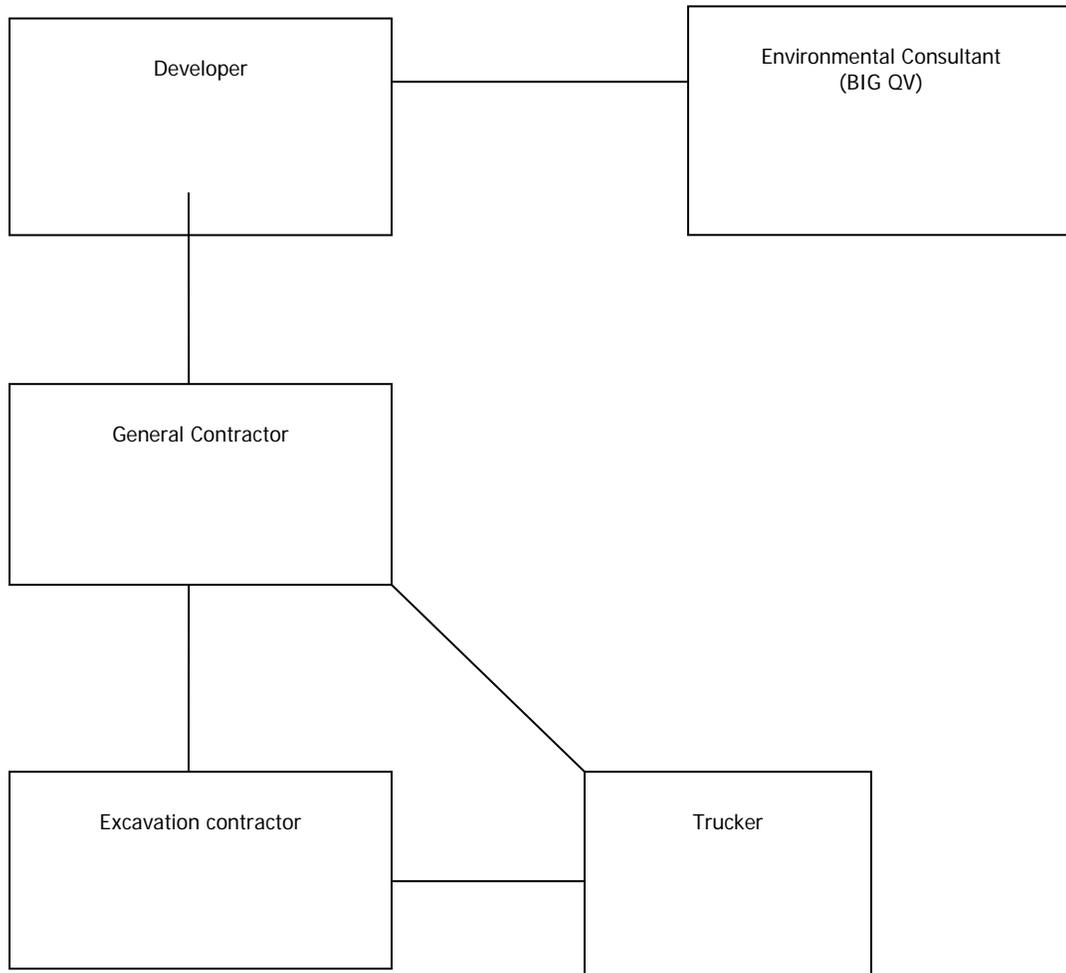
- Its subcontractors who are hired by the general contractor etc. to perform remedial work at a site, including soil brokers and truckers, must also maintain CGL and CPL policies in the amount and with the terms set forth above; and
- Its environmental consultant(s) hired to oversee the cleanup must be:
 - a. a BIG Qualified Vendor; and
 - b. maintain Professional Liability (PL) insurance of \$1M per claim and annual aggregate.

If, in the alternative, the developer hires its environmental consultant to perform the cleanup, the environmental consultant must maintain CGL and CPL insurance in the amount and with the terms set forth above.

A schematic presenting the contractual relationships described above appears on page 2. Parties who must be named as Additional Insureds on Cleanup Grant insurance policies (CGL and CPL) are presented on page 3.

Example of Contractual Relationships for Cleanup Work

The Office of Environmental Remediation's Voluntary Cleanup Plan program requires applicants to identify the parties who are engaged in active remediation of their sites including: the General Contractor hired to remediate and/or the excavation contractor hired to excavate soil from the site and the trucking firm(s) that remove soil from the site for disposal at approved facilit(ies).



The chart above shows contractual relationships that typically exist for projects that are enrolled in the Voluntary Cleanup Program.

BIG Program Additional Insureds

The full names and addresses of the additional insureds required under the Required CGL and Required CPL Policies are as follows:

“City and its officials and employees”

New York City Mayor’s Office of Environmental Remediation
253 Broadway, 14th Floor
New York, NY 10007

“NYC EDC and its officials and employees”

New York City Economic Development Corporation
110 William Street
New York, NY 10038

“BIG Grant Administrator and its officials and employees”

Brownfield Redevelopment Solutions, Inc.
739 Stokes Road, Units A & B
Medford, NJ 08055