

**Appendix A**  
**Digital copy of the Final**  
**Engineering Report Addendum**

# **Appendix B**

## **Brownfield Cleanup Agreement**

### **Boundary Map**

DEPARTMENT OF PSYCHOLOGY, 1400S, THE STATE OF IOWA, IOWA CITY, IOWA 52242-1519, USA. E-mail: [christina.barnes@uiowa.edu](mailto:christina.barnes@uiowa.edu)

Dr. Christina Barnes is currently an assistant professor in the psychology and neuroscience departments at the University of Iowa. She received her PhD in psychology from the University of Iowa in 2004. Her research interests include the neural basis of memory, learning, and decision making. She is currently studying the neural basis of memory and learning in the hippocampus and the role of the hippocampus in memory and learning. She is currently studying the neural basis of memory and learning in the hippocampus and the role of the hippocampus in memory and learning. She is currently studying the neural basis of memory and learning in the hippocampus and the role of the hippocampus in memory and learning.

UNAUTHENTICATED STATEMENTS OR ACTIONS TO A LAMP SURVEILLING OR DRINKING BEARING A LICENSED PROFESSIONAL LAMP SURVEILLING IS A VIOLATION OF ARTICLE 146, SECTION 720B PARAGRAPH 3 OF THE NEW YORK STATE EDUCATION LAW.

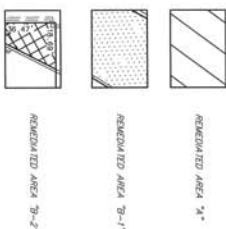
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**6.7° Spot Elevation**

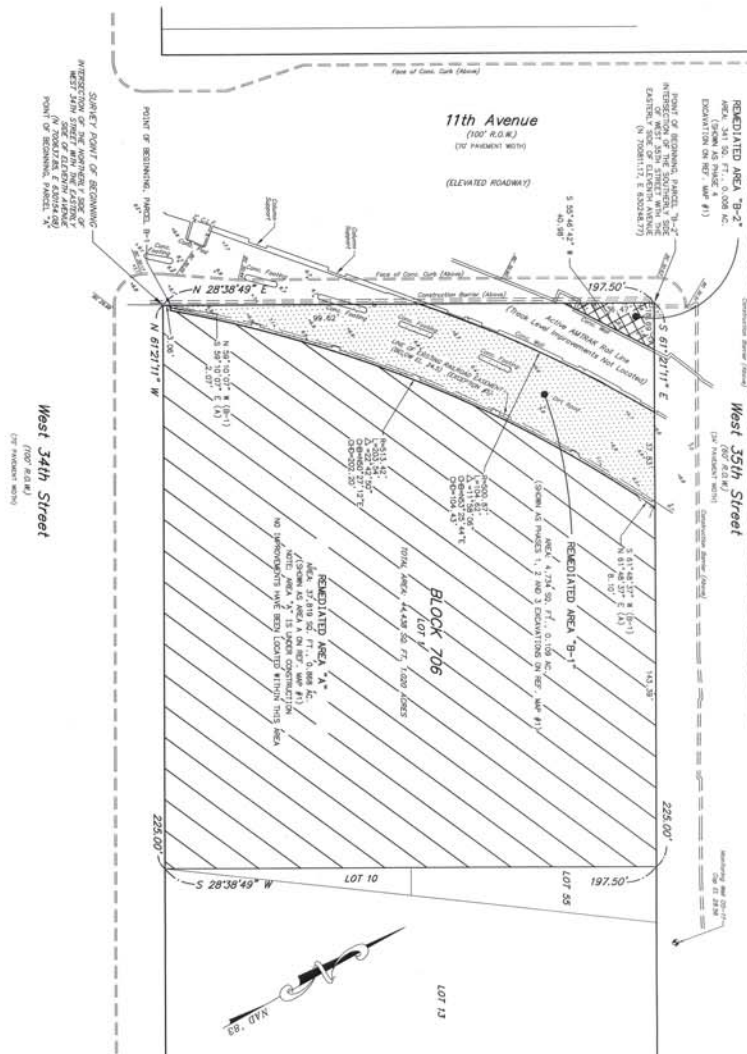
**bottom of Carb Elevation**

**30 17**

**Carb Line**



PER ARNOLD F. FLEMING, REMEDIAL ENGINEER OF RECORD, THIS SITE WAS REMEDIATED TO UNRESTRICTED USE STANDARDS AND THEREFORE IS NOT SUBJECT TO AN ENVIRONMENTAL EASEMENT

[illegible][illegible]

1992). The results of the present study are consistent with the findings of other studies that have shown that the use of a single, standardized, and validated instrument can be used to assess the prevalence of mental health problems in a community sample. The results of the present study also suggest that the use of a single, standardized, and validated instrument can be used to assess the prevalence of mental health problems in a community sample.

patients who were being treated with Carbamazepine (CBZ) were from three levels, 1. 2000-1.1.1. (n = 23,048,175), 2. 2000-1.1.2. (n = 23,048,176), and 3. 2000-1.1.3. (n = 23,048,177). The patients were divided into three groups according to the level of CBZ treatment. The first group was the patients who were treated with CBZ at the level of 1. The second group was the patients who were treated with CBZ at the level of 2. The third group was the patients who were treated with CBZ at the level of 3. The patients who were treated with CBZ at the level of 1 were divided into two subgroups according to the level of CBZ treatment. The first subgroup was the patients who were treated with CBZ at the level of 1.1. The second subgroup was the patients who were treated with CBZ at the level of 1.2. The patients who were treated with CBZ at the level of 2 were divided into two subgroups according to the level of CBZ treatment. The first subgroup was the patients who were treated with CBZ at the level of 2.1. The second subgroup was the patients who were treated with CBZ at the level of 2.2. The patients who were treated with CBZ at the level of 3 were divided into two subgroups according to the level of CBZ treatment. The first subgroup was the patients who were treated with CBZ at the level of 3.1. The second subgroup was the patients who were treated with CBZ at the level of 3.2.

[illegible]

	<p><b>Keller &amp; Kirkpatrick, Inc.</b> 973-977-8000          201 Corporate Center, Suite 204, Morris Plains, New Jersey 07950</p> <p><b>CONSULTING ENGINEERS</b>  <b>LAND SURVEYORS</b></p> <p><b>LANDSCAPE ARCHITECTS</b>  <b>PLANNERS</b></p> <p><i>Michael J. Manning</i> 11/16/01          MICHAEL J. MANNING, P.E. Professional Land Surveyor, No. 003396</p>	
<p>PROPERTY SURVEY SHOWING REMEDIATED AREAS ON</p> <p><b>BLOCK 706 LOT 1</b></p> <p>547-573 West 34th Street A/R/A          552-562 West 35th Street A/R/A          336-410 Eleventh Avenue</p> <p>BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK</p>		

**GPI** **GPI ENGINEERING & SURVEYING, LLP**  
325 WEST MAIN STREET, BARTLETON, NEW YORK 11752  
301 GORALTAN DRIVE, SUITE 2A, MORRIS PLAINS, NJ 07650 (873) 571-8500  
*Michael J. Manning* 8/20/05  
MICHAEL J. MANNING Professional Land Surveyor IV L.S.E. 050385

DATE: 11/07/12		SCALE: 1" = 20'		F.I.D. NO.: 116-7		12	
PROJECT: 201208		CHUCK: J. T. A.		PAGE: 21		11	
10		20		40		10	
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# **Appendix C**

## **Metes and Bounds Description**



**Engineering and Surveying, LLP**

325 West Main Street, Babylon, New York, 11702

Tel.: 631-587-5060 FAX: 631-587-5029

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**DESCRIPTION OF LOT 1 IN BLOCK 706 ON THE MANHATTAN BOROUGH TAX MAP, SITUATED IN THE BOROUGH MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

ALL THAT CERTAIN plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

**BEGINNING** at the corner formed by the intersection of the northerly side of West 34th Street with the easterly side of Eleventh Avenue, said point being the Beginning corner as described in deeds of record, said corner, having New York State Grid Coordinates (NAD'83, New York East Zone), N 700637.85, E 630154.08; (NAD'83 SURVEY BEARINGS AND DISTANCES SHOWN THUS)

RUNNING THENCE northerly along said easterly side of Eleventh Avenue North twenty-eight degrees, thirty-eight minutes, forty-nine seconds East (N 28°38'49" E), 197 feet 6 inches (197.50') to its intersection with the southerly side of West 35th Street;

THENCE easterly along the southerly side of West 35th Street South sixty-one degrees, twenty-one minutes, eleven seconds East (S 61°21'11" E), 225 feet (225.00');

THENCE southerly parallel with Eleventh Avenue South twenty-eight degrees, thirty-eight minutes, forty-nine seconds West (S 28°38'49" W), 197 feet 6 inches (197.50') to the said northerly side of West 34th Street;

THENCE westerly along said northerly side of West 34th Street North sixty-one degrees, twenty-one minutes, eleven seconds West (N 61°21'11" W), 225 feet (225.00') to the corner aforesaid, at the point or place of BEGINNING.

Said Lot 1 in Block 706 containing an area of 44,438 square feet or 1.020 acres of land, more or less.

**SUBJECT TO:** all existing easements and restrictions of record.

Being Lot 1 in Block 706, as shown on a certain map entitled "Property Survey Showing Remediation Areas on Block 706 Lot 1, 547-573 West 34<sup>th</sup> Street A/K/A 552-562 West 35<sup>th</sup> Street a/k/a 396-410 Eleventh Avenue, Borough of Manhattan, City, County and State of New York", prepared by GPI Engineering and Surveying, LLP, dated November 7, 2012. This description being prepared in accordance with said map.

 11/20/12  
Michael J. Manning, P.L.S.  
N.Y.L.S. License No. 050385

MJM:nbm

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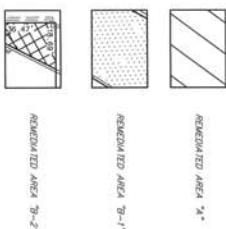


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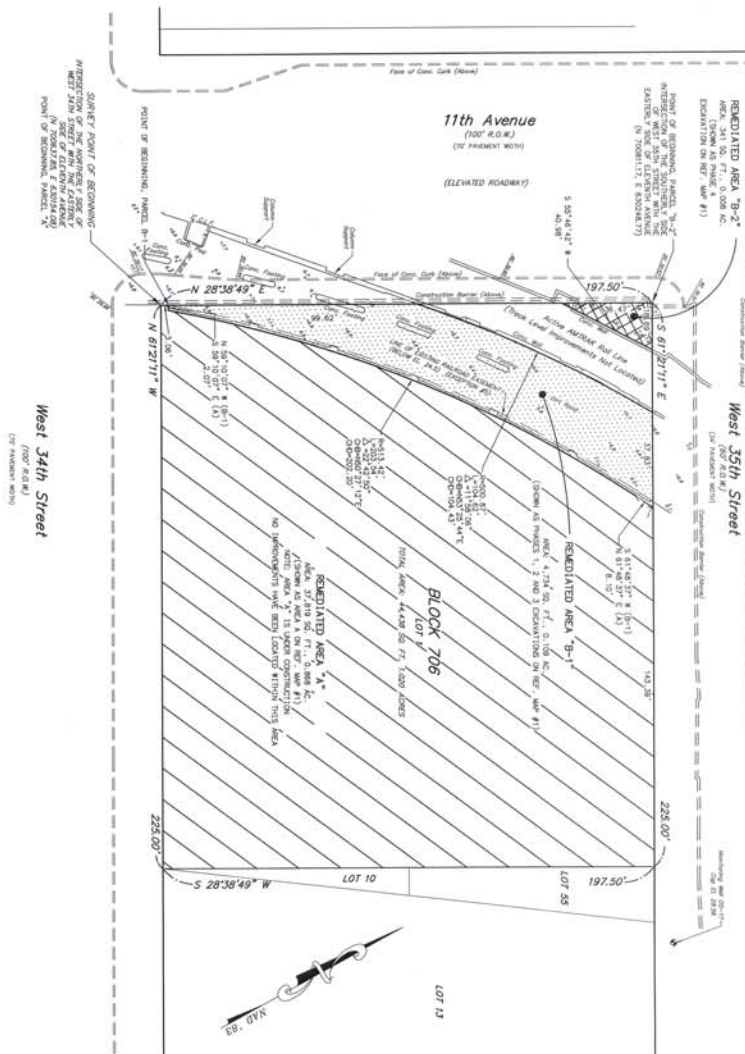
UNAUTHENTICATED STATEMENTS OR ACTIONS TO A LAMP SURVEILLING OR DRINKING BEARING A LICENSED PROFESSIONAL LAMP SURVEILLING IS A VIOLATION OF ARTICLE 145, SECTION 720B PARAGRAPH 3 OF THE NEW YORK STATE EDUCATION LAW.

AND UNITED STATES PUBLIC HEALTH SERVICE, 1976. *THE DRUG ABUSE CONTROL ACT OF 1965*. 500 pp. 25¢. (HHS Publication 78-0012.)

Card Line	Spot Elevation
bottom of Card Elevation	8.7'
bottom of Card Elevation	8.7'



PER ARNOLD F. FLEMING, REMEDIAL ENGINEER OF RECORD, THIS SITE WAS REMEDIATED TO UNRESTRICTED USE STANDARDS AND THEREFORE IS NOT SUBJECT TO AN ENVIRONMENTAL EASEMENT

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	<p><b>Keller &amp; Kirkpatrick, Inc.</b> 973-977-8000          201 Corporate Center, Suite 204, Morris Plains, New Jersey 07950</p> <p><b>CONSULTING ENGINEERS          LAND SURVEYORS</b></p> <p><b>LANDSCAPE ARCHITECTS          PLANNERS</b></p> <p><i>Michael J. Manning</i> 11/16/01          MICHAEL J. MANNING, P.E., Professional Land Surveyor, No. 003396</p>	
<p>PROPERTY SURVEY SHOWING REMEDIATED AREAS ON  <b>BLOCK 706 LOT 1</b>          547-573 West 34th Street A/R/A          552-562 West 35th Street A/R/A          336-410 Eleventh Avenue</p> <p>BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK</p>		

**GPI** **GPI ENGINEERING & SURVEYING, LLP**  
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*Michael J. Manning* 8/20/05  
MICHAEL J. MANNING Professional Land Surveyor IV L.S.C. 050385

DATE: 11/07/12		SCALE: 1" = 20'		F.I.D. NO.: 116-7		12	
PROJECT: 201208		CHUCK: J. J. J.		PAGE: 21		11	
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20		40		80		8	
30		60		120		7	





## Engineering and Surveying, LLP

325 West Main Street, Babylon, New York, 11702  
Tel.: 631-587-5060 FAX: 631-587-5029

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### DESCRIPTION OF REMEDIATION AREA "A", PART OF LOT 1 IN BLOCK 706 ON THE MANHATTAN BOROUGH TAX MAP, SITUATED IN THE BOROUGH MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at the corner formed by the intersection of the northerly side of West 34th Street with the easterly side of Eleventh Avenue, said point also being the Beginning corner of the whole tract of which this is a part, having New York State Grid Coordinates (NAD'83, New York East Zone), N 700637.85, E 630154.08; (NAD'83 SURVEY BEARINGS AND DISTANCES SHOWN THUS)

RUNNING THENCE northerly along said easterly side of Eleventh Avenue, North twenty-eight degrees, thirty-eight minutes, forty-nine seconds East (N 28°38'49" E), 3 feet 0-3/4 inches (3.06') to a point;

THENCE along a new line through Lot 1, South fifty-nine degrees, ten minutes, seven seconds East (S 59°10'07" E), 2 feet 0-7/8 inches (2.07') to a point;

THENCE still along said new line and along a non-tangent curve to the right, having a radius of 513 feet 5 inches (513.42'), an arc distance of 203 feet 6-1/2 inches (203.54'), a central angle of twenty-two degrees, forty-two minutes, fifty seconds (22°42'50"), a chord bearing of North fifty degrees, twenty-seven minutes, twelve seconds East (N 50°27'12" E), a chord distance of 202 feet 2-3/8 inches (202.20') to a point of tangency;

THENCE still along said new line, North sixty-one degrees, forty-eight minutes, thirty-seven seconds (N 61°48'37" E), 8 feet 1-1/4 inches (8.10') to the southerly side of West 35th Street;

THENCE easterly along said southerly side of West 35th Street, South sixty-one degrees, twenty-one minutes, eleven seconds East (S 61°21'11" E), 143 feet 4-5/8 inches (143.39') to a point;

THENCE southerly parallel with Eleventh Avenue, South twenty-eight degrees, thirty-eight minutes, forty-nine seconds West (S 28°38'49" W), 197 feet 6 inches (197.50') to the said northerly side of West 34th Street;

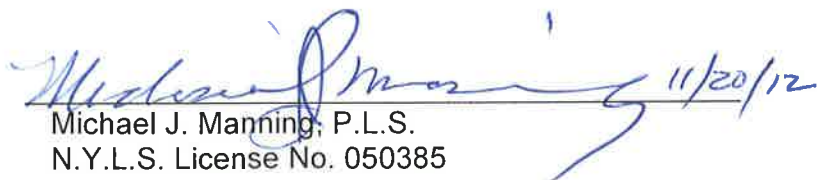
THENCE westerly along said northerly side of West 34th Street, North sixty-one degrees, twenty-one minutes, eleven seconds West (N 61°21'11" W), 225 feet (225.00') to the corner aforesaid, at the point or place of **BEGINNING**.

Said Remediation Area "A" containing an area of 37,819 square feet or 0.868 acres of land, more or less.

**SUBJECT TO:** all existing easements and restrictions of record.



Being part of Lot 1 in Block 706, as shown on a certain map entitled "Property Survey Showing Remediation Areas on Block 706 Lot 1, 547-573 West 34<sup>th</sup> Street A/K/A 552-562 West 35<sup>th</sup> Street a/k/a 396-410 Eleventh Avenue, Borough of Manhattan, City, County and State of New York", prepared by GPI Engineering and Surveying, LLP, dated November 7, 2012. This description being prepared in accordance with said map.

 11/20/12  
Michael J. Manning, P.L.S.  
N.Y.L.S. License No. 050385

MJM:nbm

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## Engineering and Surveying, LLP

325 West Main Street, Babylon, New York, 11702  
Tel.: 631-587-5060 FAX: 631-587-5029

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**DESCRIPTION OF REMEDIATION AREA "B-1", PART OF LOT 1 IN BLOCK 706 ON THE MANHATTAN BOROUGH TAX MAP, SITUATED IN THE BOROUGH MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING at a point in the easterly side of Eleventh Avenue, said point being distant 3 feet 0-3/4 inches (3.06') along said line, North twenty-eight degrees, thirty-eight minutes, forty-nine seconds East (N 28°38'49" E) from the corner formed by the intersection of the northerly side of West 34<sup>th</sup> Street with the easterly side of Eleventh Avenue, said intersection point also being the Beginning corner of the whole tract of which this is a part, having New York State Grid Coordinates (NAD'83, New York East Zone), N 700637.85, E 630154.08; (NAD'83 SURVEY BEARINGS AND DISTANCES SHOWN THUS)

RUNNING THENCE northerly along said easterly side of Eleventh Avenue, North twenty-eight degrees, thirty-eight minutes, forty-nine seconds East (N 28°38'49" E), 99 feet 7-1/2 inches (99.62') to a point;

THENCE along a new line through Lot 1 and along a non-tangent curve to the right, having a radius of 500 feet 10-1/2 inches (500.87'), an arc distance of 104 feet 7-1/2 inches (104.62'), a central angle of eleven degrees, fifty-eight minutes, six seconds (11°58'06"), a chord bearing of North fifty-three degrees, twenty-five minutes, forty-four seconds East (N 53°25'44" E), a chord distance of 104 feet 5-1/8 inches (104.43') to the southerly side of West 35<sup>th</sup> Street;

THENCE easterly along said southerly side of West 35<sup>th</sup> Street, South sixty-one degrees, twenty-one minutes, eleven seconds East (S 61°21'11" E), 37 feet 10 inches (37.83') to a point;

THENCE along a new line through Lot 1, South sixty-one degrees, forty-eight minutes, thirty-seven seconds West (S 61°48'37" W), 8 feet 1-1/4 inches (8.10') to a point of curvature in same;

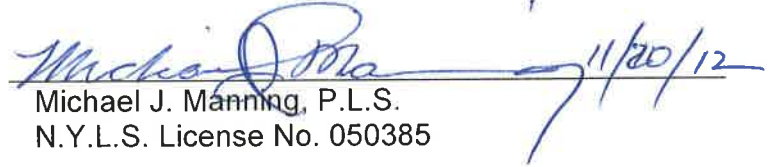
THENCE still along said new line and along a non-tangent curve to the left, having a radius of 513 feet 5 inches (513.42'), an arc distance of 203 feet 6-1/2 inches (203.54'), a central angle of twenty-two degrees, forty-two minutes, fifty seconds (22°42'50"), a chord bearing of South fifty degrees, twenty-seven minutes, twelve seconds West (S 50°27'12" W), a chord distance of 202 feet 2-3/8 inches (202.20') to a point;

THENCE still along said new line, North fifty-nine degrees, ten minutes, seven seconds West (N 59°10'07" W), 2 feet 0-7/8 inches (2.07") to the point or place of BEGINNING.

Said Remediation Area "B-1" containing an area of 4,734 square feet or 0.109 acres of land, more or less.

**SUBJECT TO:** all existing easements and restrictions of record.

Being part of Lot 1 in Block 706, as shown on a certain map entitled "Property Survey Showing Remediation Areas on Block 706 Lot 1, 547-573 West 34<sup>th</sup> Street A/K/A 552-562 West 35<sup>th</sup> Street A/K/A/ 396-410 Eleventh Avenue, Borough of Manhattan, City, County and State of New York", prepared by GPI Engineering and Surveying, LLP, dated November 7, 2012. This description being prepared in accordance with said map.

  
Michael J. Manning, P.L.S.  
N.Y.L.S. License No. 050385

MJM:nbm

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## Engineering and Surveying, LLP

325 West Main Street, Babylon, New York, 11702

Tel.: 631-587-5060 FAX: 631-587-5029

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**DESCRIPTION OF REMEDIATION AREA "B-2", PART OF LOT 1 IN BLOCK 706 ON THE MANHATTAN BOROUGH TAX MAP, SITUATED IN THE BOROUGH MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING at the corner formed by the intersection of the southerly side of West 35th Street with the easterly side of Eleventh Avenue, said point also being the second corner of the whole tract of which this is a part, having New York State Grid Coordinates (NAD'83, New York East Zone), N 700811.17, E 630248.77; (NAD'83 SURVEY BEARINGS AND DISTANCES SHOWN THUS)

RUNNING THENCE easterly along said southerly side of West 35th Street South sixty-one degrees, twenty-one minutes, eleven seconds East (S 61°21'11" E), 18 feet 8-1/4 inches (18.69') to a point;

THENCE along a new line through Lot 1 South fifty-five degrees, forty-six minutes, forty-two seconds West (S 55°46'42" W), 40 feet 11-3/4 inches (40.98') to a point in the easterly side of Eleventh Avenue;

THENCE northerly along said easterly side of Eleventh Avenue North twenty-eight degrees, thirty-eight minutes, forty-nine seconds East (N 28°38'49" E), 36 feet 5-3/4 inches (36.47') to the corner aforesaid, at the point or place of BEGINNING.

Said Remediation Area "B-2" containing an area of 341 square feet or 0.008 acres of land, more or less.

**SUBJECT TO:** all existing easements and restrictions of record.

Being part of Lot 1 in Block 706, as shown on a certain map entitled "Property Survey Showing Remediation Areas on Block 706 Lot 1, 547-573 West 34<sup>th</sup> Street A/K/A 552-562 West 35<sup>th</sup> Street A/K/A/ 396-410 Eleventh Avenue, Borough of Manhattan, City, County and State of New York", prepared by GPI Engineering and Surveying, LLP, dated November 7, 2012. This description being prepared in accordance with said map.

 11/20/12  
Michael J. Manning, P.L.S.  
N.Y.L.S. License No. 050385

MJM:nbm

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# **Appendix D**

## **Regulatory Agency Approvals**

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
Remedial Bureau B  
625 Broadway, Albany, New York 12233-7016  
Phone: (518) 402-9768 • FAX: (518) 402-9773  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



August 16, 2007

Joseph Moinian  
Meushar 341h Street, LLC  
C/O the Moinian Group  
530 Fifth Avenue, Suite 1800  
New York, NY 10036

Re: **Brownfield Cleanup Project**  
West 34<sup>th</sup> Street Development Project  
City of New York, NYSDEC Region #2  
BCP Site # C231049  
Remedial Work Plan Approval

Dear Mr. Moinian,

The New York State Department of Environmental Conservation (NYSDEC) has completed its review of the Remedial Work Plan (RWP) entitled, "Remedial Action Work Plan" dated July 2007 by Fleming-Lee Shu Environmental Management & Consulting. All the NYSDEC and New York State Department of Health (NYSDOH) comments have been addressed. Based on the information and representations given in the RWP and previous reports, the RWP is hereby approved.

Attached is a Pre-construction Fact Sheet which must be mailed to the Site Contact List in the approved Citizens Participation Plan prior to the beginning of any field construction activities. A copy of the approved RWP must be placed in the repository. Also, please provide a Certificate of Mailing to NYSDEC within 10 days of mailing.

If you have any questions or comments please contact me at (518) 402-9774.

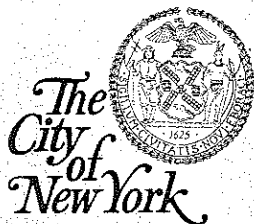
Sincerely,



John Durnin, P. E.,  
Remedial Bureau B, Section B,  
Division of Environmental Remediation

ecc: Arnold Fleming, Fleming-Lee Shu  
Matthew Carroll, Fleming-Lee Shu  
D. Desnoyers, Div. Director  
R. Cozzy, Bureau Director  
B. Callaghan, NYSDOH  
D. Christian, DEE

G. Litwin, DOH  
A. Nagi, Region #2  
D. Weigel, BPM  
J. Quinn, RBB  
K. Lewandowski, Site Control  
A. Michaels, DEE



## **LIMITED NOTICE TO PROCEED** **FOR EXCAVATION ONLY**

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

59-17 Junction Boulevard  
Flushing, New York 11373

**Emily Lloyd**  
Commissioner

Tel. (718) 595-6565  
Fax (718) 595-3525  
[elloyd@dep.nyc.gov](mailto:elloyd@dep.nyc.gov)

**Angela Licata**  
Deputy Commissioner

**Bureau of Environmental  
Planning & Analysis**

Tel. (718) 595-4398  
Fax: (718) 595-4479  
[alicata@dep.nyc.gov](mailto:alicata@dep.nyc.gov)

December 17, 2007

Mr. Christopher Santulli P.E.  
Manhattan Borough Commissioner  
280 Broadway, 3<sup>rd</sup> Floor  
New York, New York 10007

**Re: 555 West 34<sup>th</sup> Street-Hazardous Materials and Noise "E" Designation  
E-137: Block 706, Lot 1, Community District Board 4, Manhattan  
07DEPTECH326M/03DCP031M**

Dear Commissioner Santulli:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the August 2007 revised Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) prepared by Fleming-Lee Shue, Inc. (FLS) on behalf of Meushar 34<sup>th</sup> Street LLC for the above referenced site. The subject site (Block 706, Lot 1) is located at 555 West 34<sup>th</sup> Street on a block bounded by 11<sup>th</sup> Avenue, West 35<sup>th</sup> Street, 10<sup>th</sup> Avenue and West 34<sup>th</sup> Street in Manhattan, Community Board 4. The site is occupied by a two story building. An Amtrak line runs beneath the North West corner of the subject site. As currently proposed, the existing structure will be demolished to allow construction of the No.7 subway extension line with the subsequent development of a mixed-use building over the No.7 subway extension line. Subsurface excavation will be a minimum of 40 feet below grade for the proposed project. An "E" designation for Hazardous Materials and Noise (E-137) was placed on the subject parcels by the New City Department of City Planning as part of the Hudson Yard rezoning plan (03DCP031M).

DEP issued a Notice to Proceed (NTP) to the New York City Department of Buildings for this development on August 27, 2007 (see attached). Subsequently, the applicant has not completed the Hazardous Material Noise "E" requirement and building plans for the construction of the proposed mixed-used high-rise building are not available and have not been submitted to the DEP.

DEP has reviewed the RAP and CHASP for the construction of the No.7 subway extension line and find the plans acceptable. Therefore, DEP has no objection to the issuance of New York City Department of Buildings (DOB) permits to the applicant to commence excavation and foundation work relating to the construction of the No.7 subway extension line on the subject parcel, with the understanding that no other permits (i.e., Certificate of Occupancy) or additional construction activities beyond the foundation work relating to the construction of the No.7 subway extension line until the applicant have submitted the proposed mixed-used development plans to DEP and the Hazardous Material Noise "E" requirements has been satisfied. This letter supersedes the attached August 27, 2006 Notice to Proceed issued by DEP.

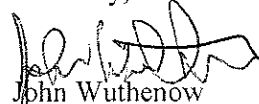


[www.nyc.gov/dep](http://www.nyc.gov/dep)



Future correspondence and submittals should include the following tracking number **07DEPTECH326M**. If you have any questions or comments, please contact Innocent Taziva at (718) 595-3585 for Hazmat or Vafadari Shah at (718) 595-4346 for Noise "E" requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wuthenow", written over a horizontal line.

John Wuthenow  
Director  
Site Assessment

cc: G. Heath; I. Taziva; M. Winter; Shah Vafadari; Yu Wei; M. Carroll-FLS; File



## NOTICE TO PROCEED

August 27, 2007

**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

59-17 Junction Boulevard  
Flushing, New York 11373

**Emily Lloyd  
Commissioner**

Tel. (718) 595-6565  
Fax (718) 595-3525  
[elloyd@dep.nyc.gov](mailto:elloyd@dep.nyc.gov)

Christopher Santulli, PE  
Manhattan Borough Commissioner  
280 Broadway, 3rd Floor  
NY, NY 10007

Re: 555 West 34<sup>th</sup> Street  
Hazardous Materials "E" Designation  
E-137: Block 706, Lot 1  
DEP # 07DEPTECH326M

Dear Commissioner Santulli:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (BEPA) has reviewed the August 2007 Remedial Action Work Plan (RAWP) and Health and Safety Plan (HASP) prepared by Fleming-Lee Shue for the above referenced parcel. The site is part of the Hudson Yards District Rezoning.

Presently on the site is a two-story building operated by Verizon. The site owner intends to demolish the existing structure in order to provide access for construction of the 34<sup>th</sup> street station of the No. 7 line subway. The No. 7 line tunnel will be located within the bedrock zone outside the site boundaries. The subway station will be present on site. Afterward, a building will be constructed over the site.

The investigation revealed that most of the site is urban fill material, 5-17 feet below grade. During soil borings, petroleum odors were present and spill numbers were obtained from NYSDEC. VOCs were detected in sixteen of twenty-four samples, generally from two areas. Most samples also exhibited SVOC and metals contamination. There were VOC exceeds of groundwater for acetone, chloroform, methylene chloride, benzene, toluene, ethylbenzene, xylene, MTBE, naphthalene, 1,2 dichlorobenzene, and 1,2,4 trimethylbenzene. There were also exceedances of SVOCs in groundwater.

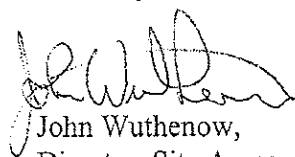
The RAP proposes removal of all soil down to bedrock, at the same time all petroleum contamination would be removed. Provisions are made for remediation of soil on the Amtrak portion of the site. The excavation will be a minimum of 40 feet below grade. Groundwater will be treated and discharged into the sewer system.



Based upon the information provided, DEP finds the August 2007 Construction Health and Safety Plan and RAWP acceptable. The NYSDEC also concurs with the RAWP. DEP has concluded that the applicant may proceed with construction, provided that a closure report, certified by a Professional Engineer/Architect, is submitted by the applicant for DEP's review/approval. Therefore, DEP has no objection to the issuance of DOB permits to the applicant for work relating to the proposed development project on the subject parcel, with the understanding that no other permit (i.e. Certificate of Occupancy) will be issued by your agency to the applicant until DEP has reviewed/approved the closure report and has issued a "Notice of Satisfaction" for the proposed project..

If you have any questions or comments, please contact John Wuthenow at [Jwuthenow@dep.nyc.gov](mailto:Jwuthenow@dep.nyc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "John Wuthenow", written over a horizontal line.

John Wuthenow,  
Director, Site Assessment

Cc: J. Wuthenow  
G. Heath  
C. Ballah  
Mathew Carroll, FLS, 158 West 29<sup>th</sup> Street, 9<sup>th</sup> Floor, NYC, NY 10001  
File

**Steve Panter**

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**From:** Kevin McGuinness <kevin@flemingleeshue.com>  
**Sent:** Tuesday, October 23, 2012 2:49 PM  
**To:** steve@flemingleeshue.com  
**Subject:** FW: Monian 34th Street CAMP

As requested.

Kevin A. McGuinness, PG, LSRP  
Associate  
Fleming-Lee Shue, Inc.  
158 West 29th Street  
New York, N.Y. 10001  
P: (212) 675-3225  
F: (212) 675-3224

-----Original Message-----

From: John Durnin [<mailto:jedurnin@gw.dec.state.ny.us>]  
Sent: Friday, July 27, 2012 9:07 AM  
To: Kevin McGuinness  
Subject: Re: Monian 34th Street CAMP

Good Morning Kevin,

You are proposing to modify Section 2.4 of the approved CAMP. The modification is to perform the particulate monitoring using a technician instead of monitoring station equipment. The reason is because there are no actual upwind/downwind conditions due to the unique physical "boxed in" conditions of the work area.

Having been at the site several times, I agree there is no defined upwind/downwind situation where a particulate monitoring station can be effectively set up. Also it is difficult for a pedestrian to get near the work area. The only public (non-workers) near the site would be passengers inside the Amtrak train going through the tunnel.

The site is "boxed in" by:

1. The Ease Retaining Wall,
2. The west wall structure (11th Avenue/Javits complex)
3. The extensive 11th Avenue viaduct road bed/structure overhead,
4. The north and south ends of the work area are vacant and similarly "boxed in" for a long distance in both directions.

As per the approved CAMP, the roving technician must perform the monitoring full time during all intrusive activities. The readings would have to be recorded both in time and location (existing grid system) to properly document that particulate monitoring was done in accordance with Section 2.4 of the CAMP.

The monitoring equipment must be capable of detecting the particulate levels sufficiently to determine any exceedances of the action level and meet the requirements of Section 2.4.

This modification to the CAMP needs to be done by a Certified Industrial Hygienist (CIH).

These are my thoughts. If you have any questions please give me a call.

Thanks,

John

>>> "Kevin McGuinness" <[kevin@flemingleeshue.com](mailto:kevin@flemingleeshue.com)> 7/26/2012 3:30 PM

>>>

Good afternoon John. In anticipation of the start of the long-awaited soil excavation, I wanted to pose a question to you. The RAWP-approved CAMP plan includes the standard monitoring for VOCs and dust upwind and downwind.

As you know, the upcoming activities will be conducted completely under the 11th Ave. viaduct which also has walls around the majority of the area.

As such, there is minimal potential for exposure to the public and also no real wind direction. Accordingly, we are thinking that a monitoring technician, roving with a PID and dust monitor, during all earth moving activities is the best method. Would like your thoughts on the matter. Thanks

Kevin A. McGuinness, PG, LSRP

Associate

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