

NEW YORK STATE  
DEPARTMENT OF



ENVIRONMENTAL  
CONSERVATION

This fact sheet serves to announce the completion of remediation requirements for the West 17<sup>th</sup> Street & 10<sup>th</sup> Avenue site under the New York State Brownfield Cleanup Program (BCP).

**West 17<sup>th</sup> Street and 10<sup>th</sup> Avenue  
Site**

440-452 West 17<sup>th</sup> Street  
445-459 West 16<sup>th</sup> Street  
96-108 10<sup>th</sup> Avenue

**Document repository:**

New York Public Library  
Muhlenberg Branch  
209 West 23<sup>rd</sup> Street  
New York, N.Y. 10011-2379

For Library hours, call:  
(212) 924-1585

**Project Contacts:**

**Project Related Questions**

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**For more information about New York  
State's BCP, visit:  
[www.dec.state.ny.us/website/der/bcp](http://www.dec.state.ny.us/website/der/bcp)**

**FACT SHEET #6**

**West 17<sup>th</sup> Street and 10<sup>th</sup> Ave. Site  
New York, New York  
Site No. C231040**

**Brownfield Cleanup Program**

October 2008

**NYSDEC REGION 2**

**NYSDEC Certifies Remediation Requirements  
Achieved at Brownfield Site  
West 17<sup>th</sup> Street and 10<sup>th</sup> Avenue  
New York, New York**

The New York State Department of Environmental Conservation (NYSDEC) has determined that 17<sup>th</sup> and 10<sup>th</sup> Associates LLC ("the Volunteer") has achieved remediation requirements to address contamination related to the West 17<sup>th</sup> Street and 10<sup>th</sup> Avenue Site ("the Site") located between West 17<sup>th</sup> Street and West 16<sup>th</sup> Street and bordered by 10<sup>th</sup> Avenue to the west (see addresses in left column) in the Chelsea section of New York City under New York's Brownfield Cleanup Program (BCP). See attached map for the location of the site. NYSDEC has issued a Certificate of Completion to the Volunteer regarding the Site. The Volunteer is now eligible to redevelop the Site. A copy of the Certificate of Completion ("the COC") is available at the document repository identified in the left-hand box of this fact sheet.

NYSDEC previously accepted an application submitted by 17<sup>th</sup> and 10<sup>th</sup> Associates LLC to participate in the BCP. The application proposes that the site will be used for mixed-use with restricted residential purposes.

The COC issued by NYSDEC contains:

- 1) A description of the remedial activities completed;
- 2) A certification that remediation requirements have been or will be achieved;
- 3) The boundaries of the site;
- 4) A description of any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the remedial action leaves residual contamination that makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier;
- 5) A certification that an operation, monitoring and maintenance plan for any engineering controls used at the site has been approved by NYSDEC.

For purposes of remediation, the site was divided into two operable units (OUs). OU1 is the eastern portion of the site, which is now fully occupied by the residential building. OU2 is the High Line area that extends along 10<sup>th</sup> Avenue and the western portion of 16<sup>th</sup> Street. OU2 will be completely occupied by commercial/retail space. Because of the High Line, OU2 had construction restrictions, including limitations on excavating within 25 feet of the Highline supports.

**Remedial Activities**

Remediation was completed in January 2007 and included the excavation and proper off-site disposal of contaminated soil and fill. The remaining soil does not exceed site-specific soil cleanup objectives. It has also been covered with an engineered composite cover consisting of a vapor barrier-membrane and the concrete foundation of the redevelopment. A sub-slab depressurization system was also installed beneath the building erected in OU-2 to prevent the intrusion of residual vapors that could then be inhaled by occupants. In addition to these engineering controls there are a number of institutional controls required at the Site that are memorialized in the Environmental Easement which has been recorded in the New York County Clerk's Office.

A Site Management Plan (SMP) has been approved by the NYSDEC. The SMP includes an Engineering and Institutional Control Plan, a Monitoring Plan for groundwater, an Operation and Maintenance Plan for the groundwater monitoring wells, and a Site Management Reporting Plan. The Engineering Controls provide protection from the residual materials for human health and the environment and include the cover materials and a vapor barrier beneath the building foundation. The Institutional Controls, which are designed to prevent future exposure to residual contamination, include restriction of the Site to commercial and restricted residential use, requirements for monitoring, inspections and certifications, prohibition of vegetable gardens, and prohibition of groundwater use.

### Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of the Final Engineering Report (FER) submitted by 17<sup>th</sup> and 10<sup>th</sup> Associates LLC. The FER described the remedial activities completed and certified that remediation requirements have been achieved for the site. The FER was submitted to NYSDEC in December 2007 and approved in October 2008.

With its receipt of a COC, the Volunteer is eligible to redevelop the site. In addition, the Volunteer:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing remedial activities and for redevelopment of the site.

A COC may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement (“BCA”) with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

### Background

17<sup>th</sup> and 10<sup>th</sup> Associates LLC entered into a BCA with NYSDEC in January 2005. The site is located in the County of New York, Borough of Manhattan, New York and is identified as Block 714 and Lot 1 on the New York City Tax Map. A Site Location Map below shows the Site location. The Site is situated on a 1.213-acre area bounded by West 17<sup>th</sup> Street to the north, West 16<sup>th</sup> Street to the south, residential buildings and a small playground of the New York City Housing Authority (NYCHA) Robert Fulton Houses to the east and 10<sup>th</sup> Avenue to the west. An elevated New York City Rail Road (NYCRR) (the former High Line Viaduct) crosses over the southwest corner of the Site. A five-story residential building with street-level retail is located on the northwest corner of this geographic area; however, this structure is not part of the Site.

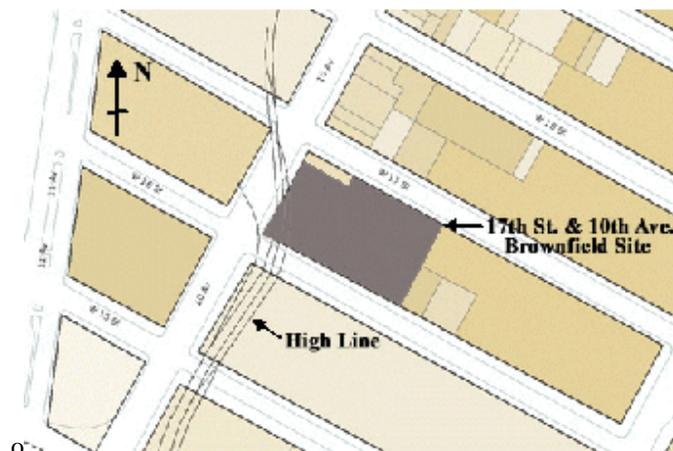
As part of the BCP, the Site was investigated by Fleming-Lee Shue, Inc. (FLS) in accordance with the scope of work presented in the NYSDEC-approved Remedial Investigation (RI) Work Plan dated February 2005 and the Supplemental RI Work Plan dated May 2005. The investigations were conducted between May 2005 and March 2007. The RI Report was submitted to

NYSDEC on August 26, 2005. A Supplemental Remedial Investigation (SRI) was conducted in 2007. The Site was declared not to be a significant threat by NYSDEC and New York State Department of Health (NYSDOH). The Site was remediated in accordance with the scope of work presented in the NYSDEC-approved Remedial Action Work Plan (RAWP) dated November 2005, the approved Stipulations List dated April 2006, the Remedial Action Work Plan Modification (June 2006) and the Operable Unit 2 (OU2) Oxygen Release Compound (ORC) Injection Work Plan (January 2007).

### NOTE:

If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager listed on the front of this fact sheet. We encourage you to share this fact sheet with neighbors and tenants, and/or post it in a prominent area of your building for others to see.

### SITE LOCATION



### Document Repository

A local document repository has been established to help the public review important project documents. These documents include the COC and the NYSDEC approved application to participate in the BCP. The location of the repository can be found in the front of this fact sheet.