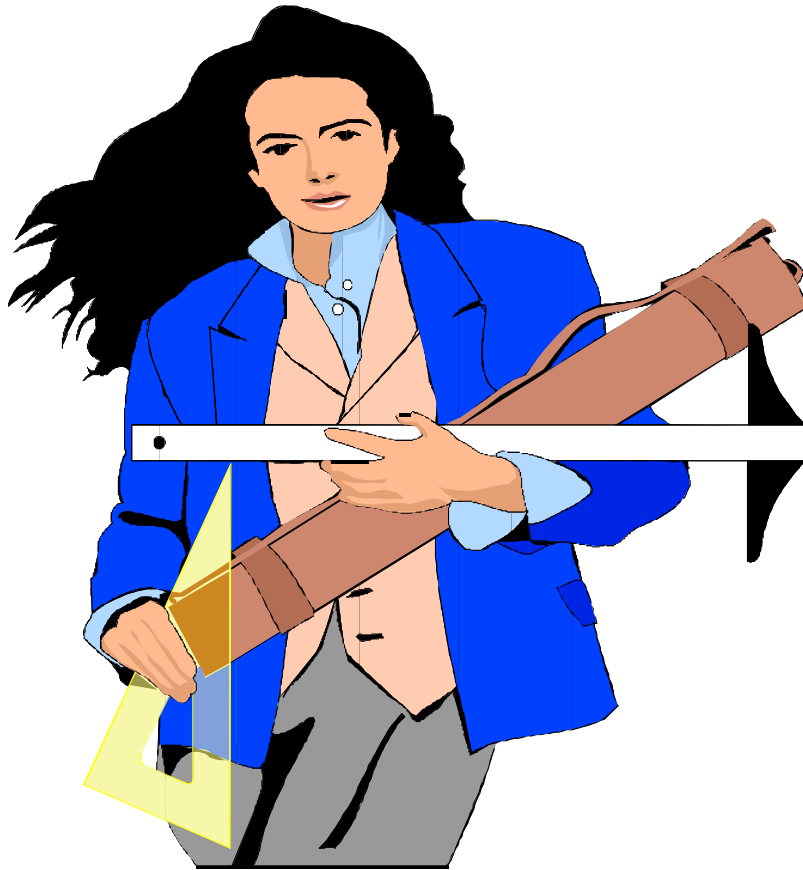


New York City's E-Designation Program

What it Means to Design
Professionals

What We Will Cover

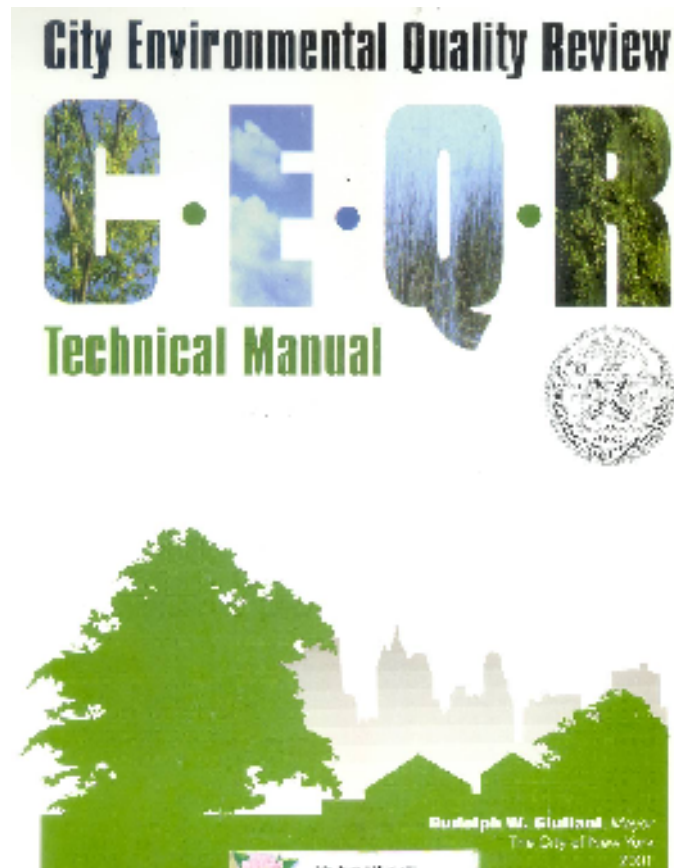


- How does a site get an E-Designation?
- How does an E-Designation affect the approval process
- Types of E-Designation
- Project flow

What we will cover (cont.)

- Phase I Environmental Site Assessment (ESA)
- Phase II ESA
- Remediation
- Issues for the design professional
- Closure (signoff) process
- E-Designations for (a) noise (b) air quality
- NYC Brownfields Program
- Brownfields Incentive Grant (BIG) Program

How does a site get an E-designation?



- City Environmental Quality Review
- Responsible agency has to prepare **Environmental Impact Statement (EIS)**
- Will specify certain mitigation steps
- May include E-Designation

How Did I Get Here?



- **Zoning change:**
(typically, from Manufacturing to Residential): E-Designation
- **BS&A actions**
 - Request for Variance
 - No “E” but similar review process

Effect of E-Designation

Property Profile Overview



114 NORTH STREET
EAST TOWNSHIP

DOB Address: 114 NORTH STREET
DOB Building Remarks: 114 NORTH STREET

PARTIAL STOP WORK ORDER EXPIRES ON 11/1/11

DOB Building Name	114 NORTH STREET	Special Status	None
DOB Building Remarks	114 NORTH STREET	Lot Area	10,000
Legal Address	114 NORTH STREET	Lot Depth	100
DOB Building Name	114 NORTH STREET	Lot Width	100
DOB Building Remarks	114 NORTH STREET	Lot Area	10,000
DOB Building Name	114 NORTH STREET	Lot Area	10,000
DOB Building Remarks	114 NORTH STREET	Lot Depth	100
DOB Building Name	114 NORTH STREET	Lot Width	100
DOB Building Remarks	114 NORTH STREET	Lot Area	10,000

This property is not located in an area that may be affected by tidal flooding. For more information, click the link for more information.

Department of Finance Building Classification: 114 NORTH STREET

Note: The Department of Finance Building Classification is subject to change.

<http://info.knolls.com/gov/broker/PropertyProfileOverview.html?doc=18&docid=1>

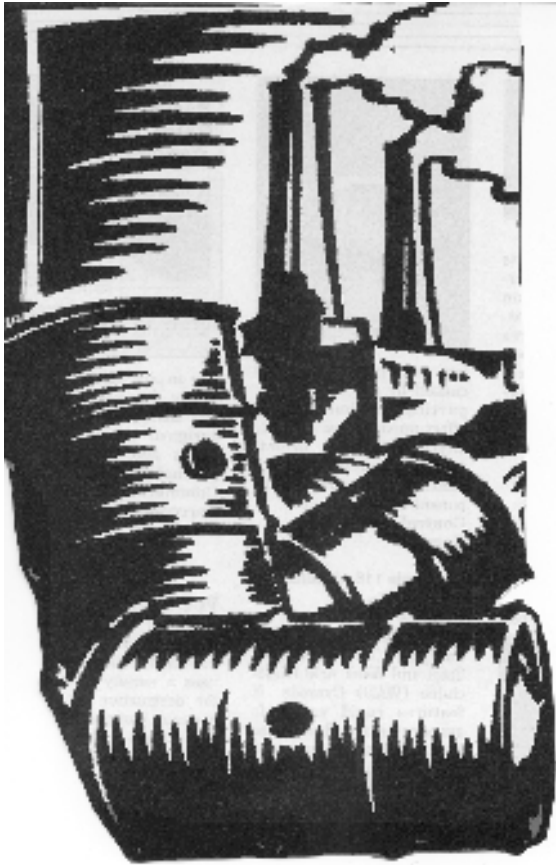
- No action required.
- Continue present uses.
- Affects new construction or alterations.
- E-Designations
 - HazMat
 - Air Quality
 - Noise

DOB cannot issue approvals



- Prior approval by Mayor's Office of Environmental Remediation (OER)
- New agency
- Formerly handled by NYC Dept. of Environmental Protection (DEP)

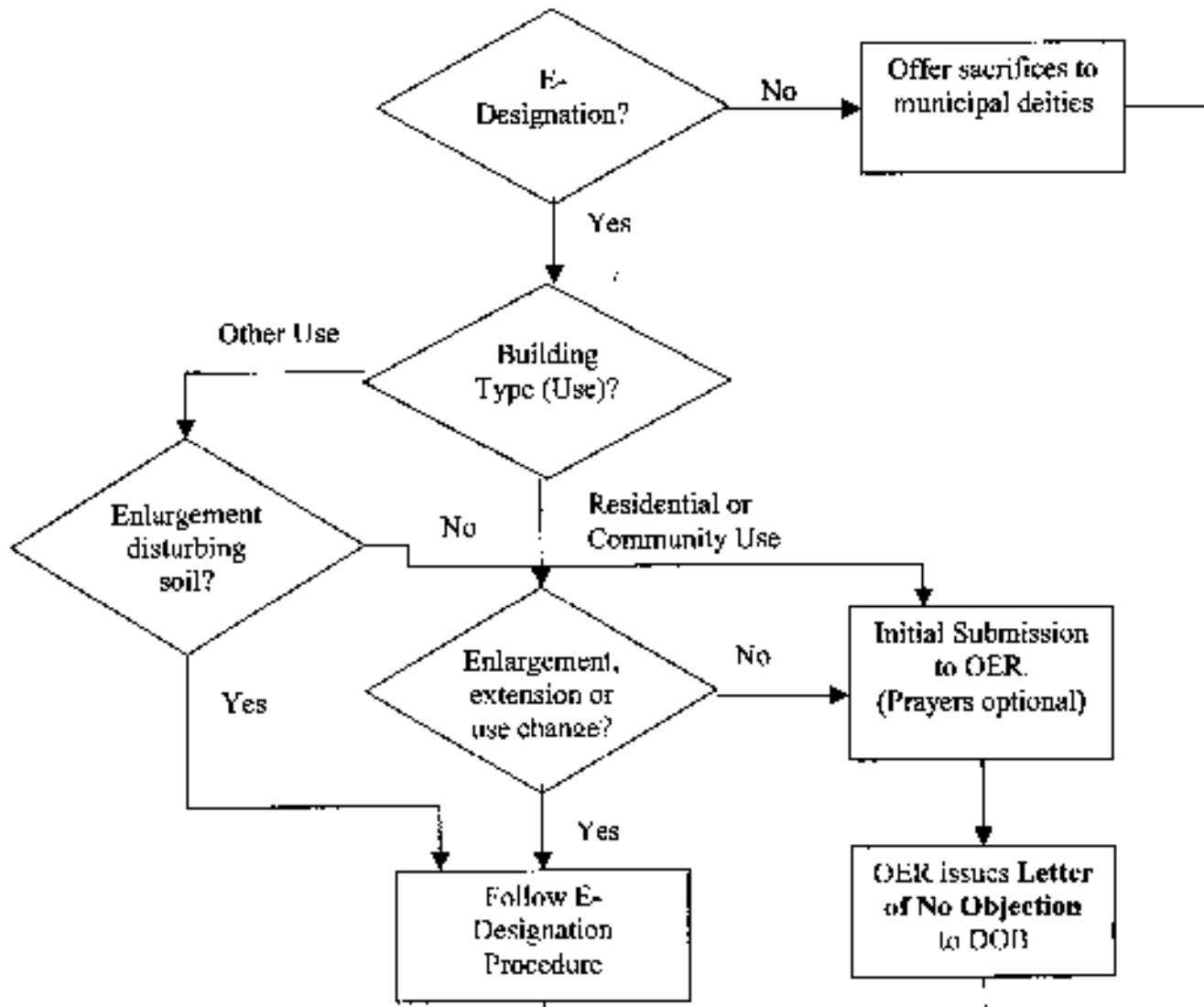
Types of E-Designation

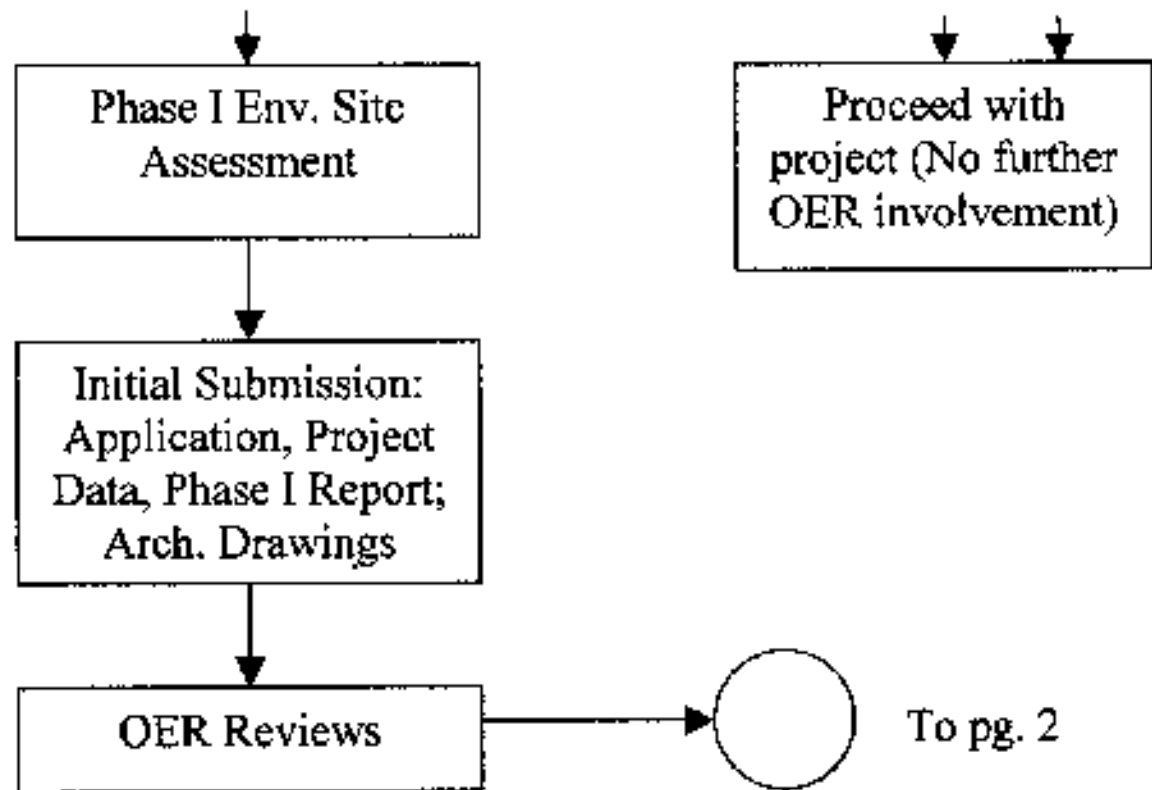


- Hazardous Materials Contamination (HazMat)
- Noise
- Air Quality

E-Designation applies to

- “Development” (new building or structure)
- Enlargement, extension or change of use
 - Residential
 - Community facility
- Any enlargement of a building that disturbs the soil

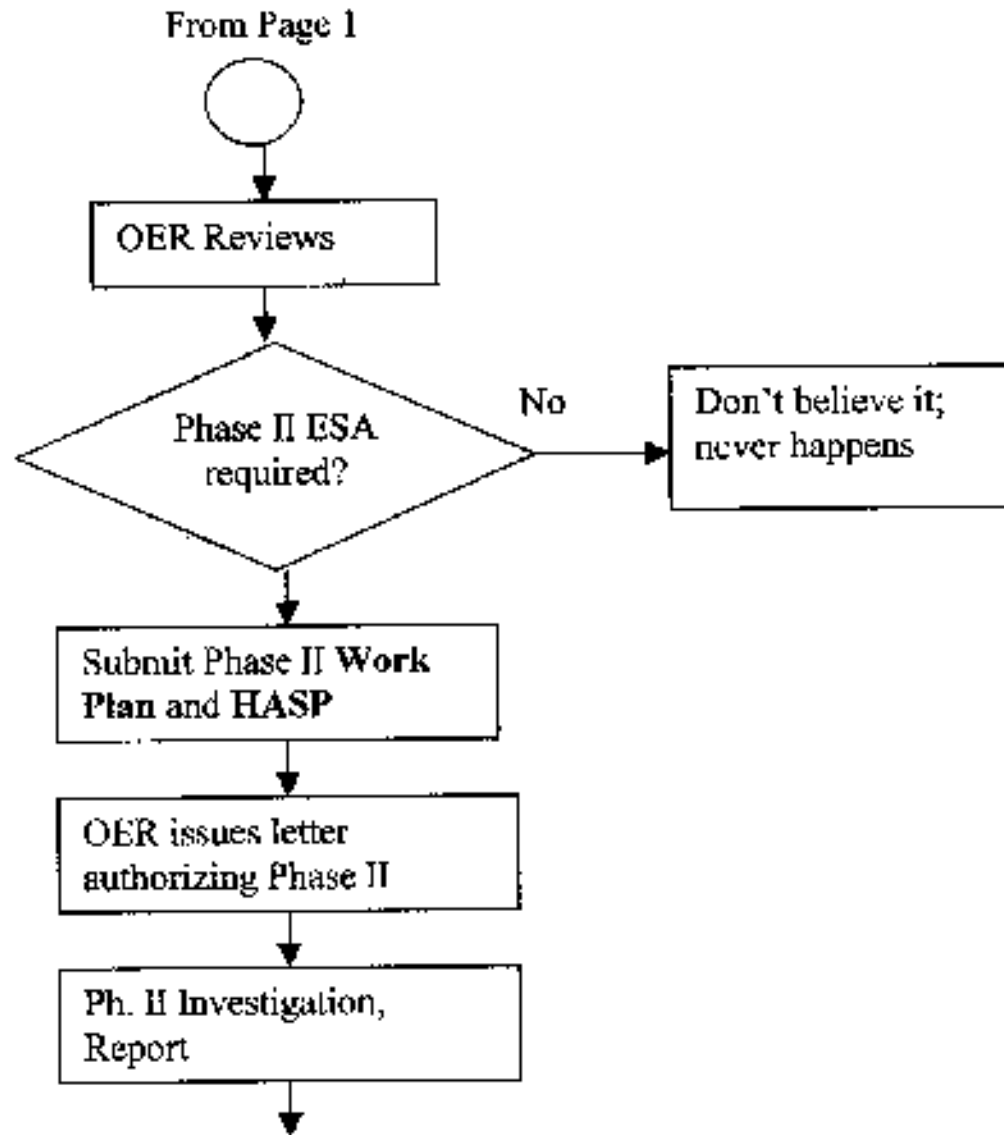


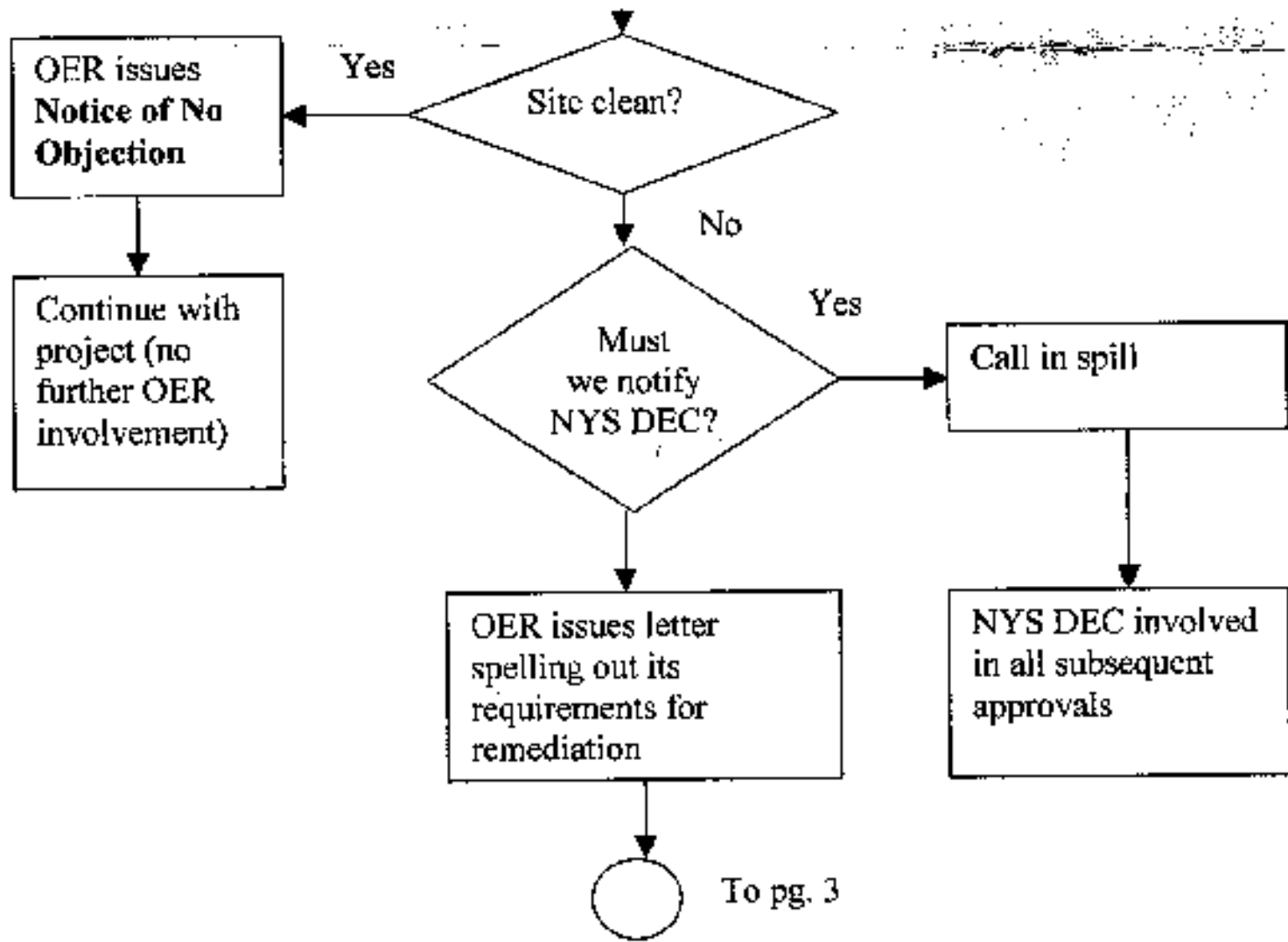


Phase I Environmental Site Assessment (ESA)



- “Paper” investigation
 - Government data bases
 - Historic maps
 - Site visit
 - Per ASTM specification
- No borings or testing
- Look for “Recognized Environmental Conditions”





Phase II Environmental Site Assessment (ESA)

- Includes borings
- Soil and groundwater sampling
- Laboratory testing
- Detailed report
- FIRST: Submit
 - Work Plan
 - Health & Safety Plan (HASP)



If you are lucky ...



- Site is clean
- OER will issue **Notice of No Objection**
- DOB may issue approvals
- Project may proceed.
- No further OER involvement

What if you're not lucky?



If you're not lucky...

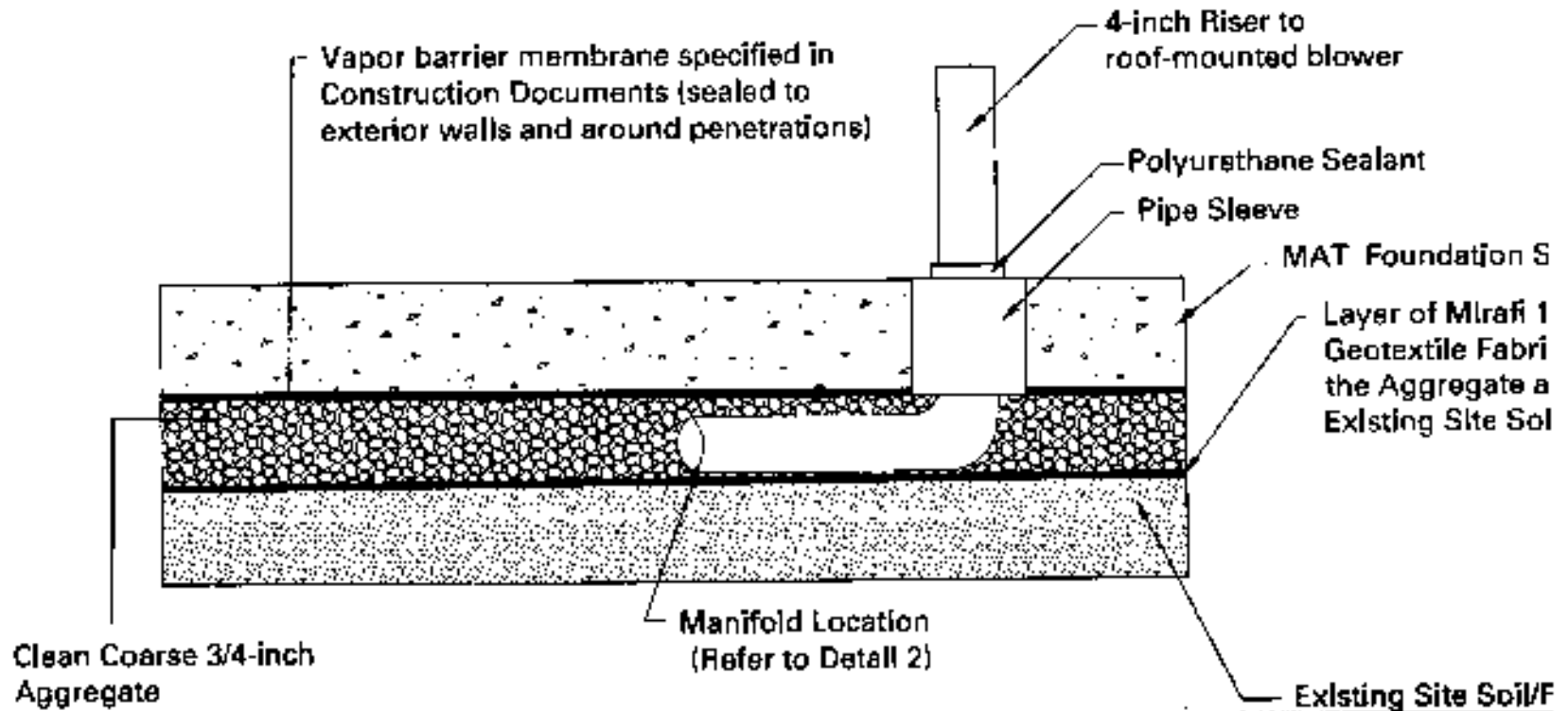


- Contamination Found
- May need **remediation** (= cleanup)
- May also have to notify NYS Dept. of Environmental Conservation (NYSDEC)
- Petroleum spill must be called in within 2 hours!

Common Remediation Tasks

- Remove leaking underground storage tanks
- Remove contaminated soil
- Replace top 2 ft. of contaminated soil with clean fill
- Cap area with asphalt pavement
- Install soil vapor barrier
- Vapor collection piping or exhaust system

Underslab Ventilation Scheme



Remediation Requirements



- Remedial Action Plan (RAP)
- Construction Health and Safety Plan (CHASP)
- OER must approve
- For NYS projects: NYSDEC must also approve.

Remediation Approval Process

- OER reviews Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP);
- OER issues *Notice to Proceed* to DOB;
- DOB may now issue approvals and permits (other than C of O).

Key Issues for the Architect

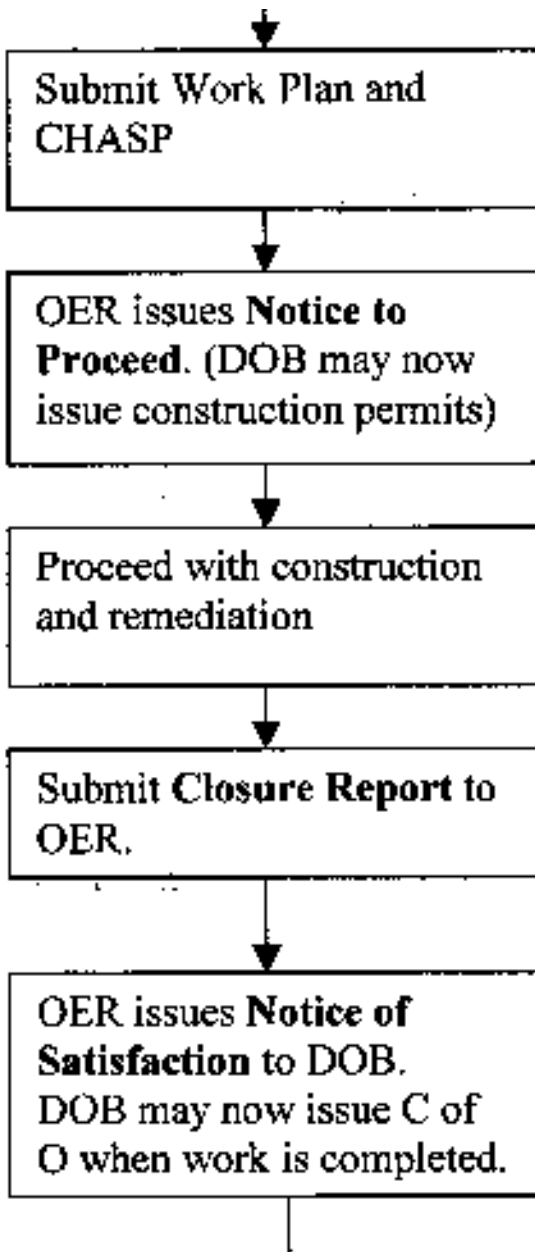
- Integrate remediation (cleanup) work with building construction.
- Educate client to special requirements of cleanup

Construction vs. Remediation

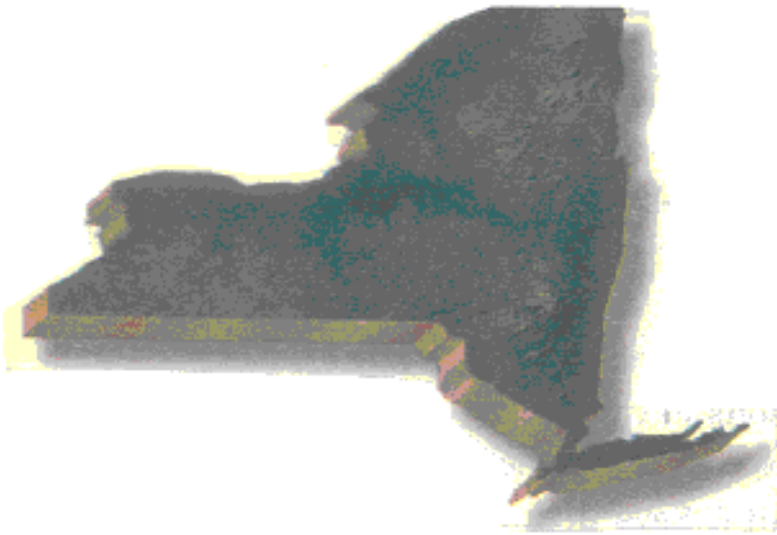
Construction	Remediation
Have truck; will travel	Special knowledge
Trade training	Special Training (HAZWOPER)
Work Clothes	Personal Protective Equipment (PPE)
	Air Monitoring
Controlled Inspection	Documentation

Remediation Completed

- RA or PE submits *Remedial Closure Report* to OER;
- Documents that remedial work was completed per the Remedial Action Plan (RAP);
- Construction need not be 100% complete;
- OER issues *Notice of Satisfaction* to DOB;
- DOB free to issue temporary or permanent Certificate of Occupancy (C of O).



New York State Closure



- If New York State was involved, must also get NYS DEC signoff.

Other Types of E-Designation

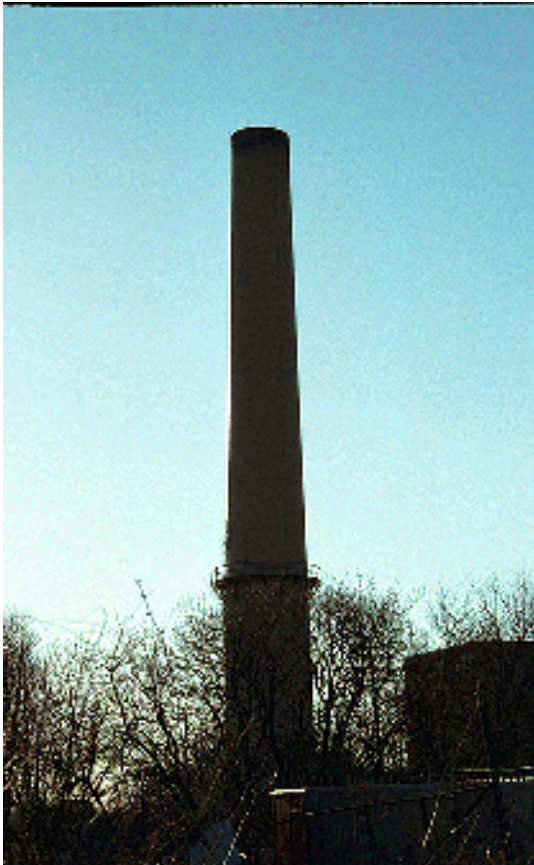
- Types: (a) Noise (b) Air Quality;
- Simpler, easier to deal with;
- Specific restrictions for each site;
- No Environmental Investigation (Ph I, Ph II)
- Usually, initial submission sufficient for OER approval;
- Closure Report needed.

Noise Restrictions



- Specific sound attenuation criteria for exterior walls and windows;
- Must meet specified Outdoor-Indoor Transmission Class (OITC)

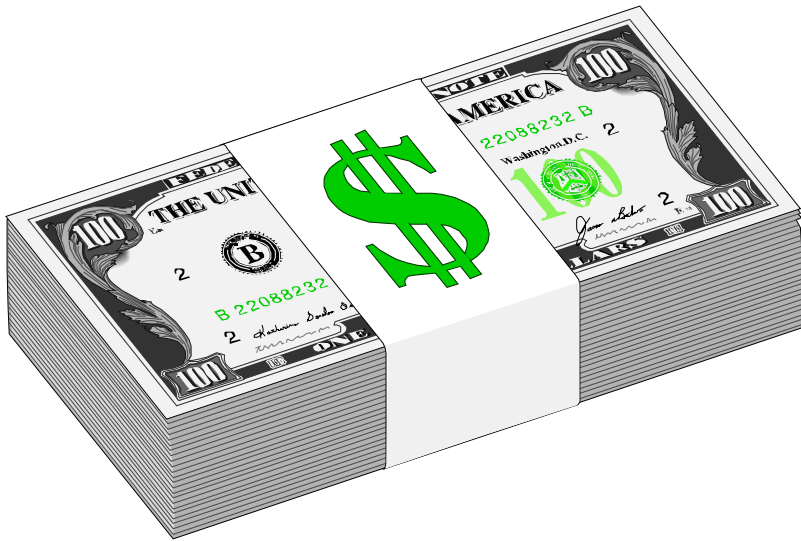
Air Quality



- May include restrictions on
 - Heating fuel;
 - Location (setback) of boiler or furnace stack
- May preclude ventilation by means of open windows.

Cash Grants – Some Good News

- Cash grants under NYC Brownfields Program



NYC Brownfields Program

- Brownfield: Abandoned or underused property where use may be complicated by actual or perceived environmental issues.
- NYC Brownfields Program: First *city* program in U.S.
- Administered by NYC Office of Environmental Remediation (OER)

NYC Brownfields Program (cont.)

- Liability Limitation Statement when done
- Data base of vacant sites
- Brownfields Incentive Grants (BIG)
- Qualified Vendors List
- Must use qualified vendors to be eligible for grants.

NYC Brownfields Incentive Grants (BIG) Program

Eligible activities:

- Pre-development (including architectural and planning services)
- Environmental investigation
- Cleanup
- \$5,000 to as much as \$100,000 per site
- \$10 million available over two years
- Must use OER approved vendors

Summary

- How site gets E-Designation – CEQR
- Three types of E-Designation
- Types of project affected
- DOB cannot approve without OER approval
- Phase I – no invasive procedures
- Phase II – borings, lab testing
- Remediation
- Closure Report
- Noise and Air Quality
- Brownfields Program

Contacts

Becoming a Qualified Vendor

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NYC Brownfield Incentive Grant (BIG) Program

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Josslyns@dep.nyc.gov

Hotline: 212-380-1562

Thank you!



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