



Hazardous Materials "E" Designations

DEP Review Process

NYCDEP – BEPA

Deputy Commissioner

Angela Licata

May 23, 2007

DEP "E" Review Process

- Initial project submittal
 - Complete project description
 - Existing structures/land uses, demolition, build scenario (floors, units, etc.), renovation, excavation depths for basement/cellar/slab-on-grade/utilities/elevator pits, etc.
 - Detailed architectural plans
 - Grade-level open space/courtyard areas vs. full build out scenario
 - DOB permit revocation letters/information
 - ASTM 1527-05 compliant Phase I ESA
 - Determine if Phase II testing is necessary

DEP "E" Review Process (cont.)

■ Detailed Phase II Workplan & HASP

- Evenly spaced test borings across entire site
- Surface (0-2' bgs) and subsurface (2'bgs to proposed excavation depths) soil samples
- Groundwater samples
- Analysis for VOCs, SVOCs, pesticides/PCBs and TAL Metals (filtered/unfiltered for groundwater samples) by a NYSDOH ELAP certified laboratory
- EM/GPR survey for suspect drums, tanks, etc.
- Soil Gas testing for methane gas
- Written DEP Workplan/HASP approval
- Notify DEP when investigation is scheduled

DEP "E" Review Process (cont.)

- Detailed Phase II Investigation Report
 - Written summary of soil/groundwater analytical findings, analytical tables, laboratory sheets w/COC, boring logs, etc.
 - Remedial Action Plan (RAP)
 - Construction HASP
 - Written DEP RAP/CHASP approval
 - Notice To Proceed / Notice of No Objection
 - Start construction / remediation / CHASP

DEP "E" Review Process (cont.)

■ Typical remedial requirements

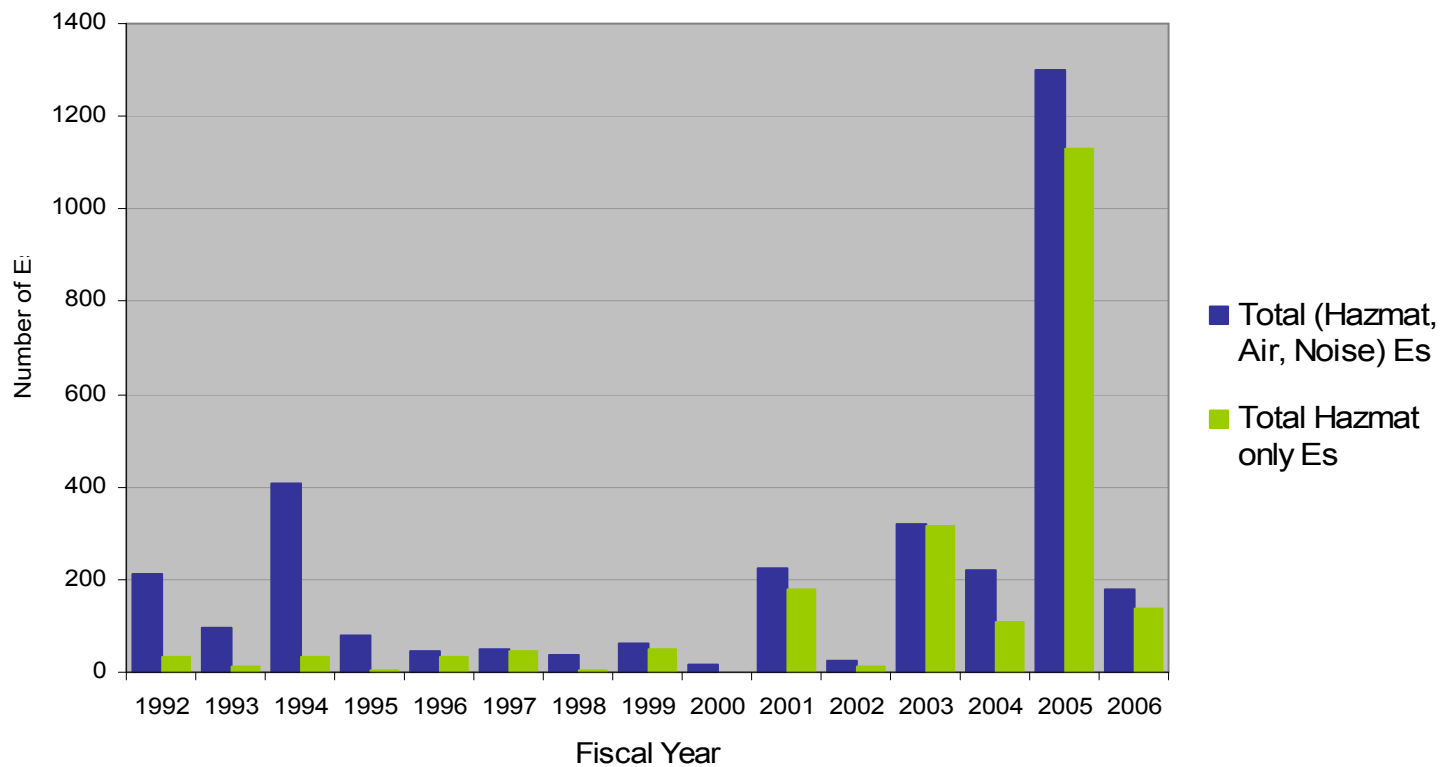
- Proper removal and disposal of excavated material in Accordance with all applicable NYSDEC Regulations
- Vapor Barrier (minimum 15-mil)
- Sub-slab depressurization system
- 2 feet of DEP pre-approved clean fill/top soil that meets TAGM Criteria in any grade-level open space/courtyard areas (residential), 1' for commercial
- P.E. Certified Remedial Closure Report
 - Proof that all DEP remedial requirements are completed

"E" Designation Sign-off Process

- Notice of No Objection
 - minor renovation/upgrade (i.e., plumbing, electrical, no change actions, etc.)
 - project description, architectural plans, proof of no excavation/soil disturbance
- Notice To Proceed
 - Phase II testing completed, approved RAP/CHASP
- Notice of Satisfaction
 - P.E. Certified Remedial Closure Report proving that all DEP remedial requirements have been completed
- Final Notice of Satisfaction
 - Same as NOS but with no Engineering Controls and on-site/off-site contamination/potential impacts

"E" Designation Trend

Department of City Planning E Designations



BEPA – Site Assessment Unit

- Review responsibilities
 - CEQR reviews (DCP, BSA, HPD, EDC, DPR, DOS, etc.)
 - DEP infrastructure (watershed and NYC)
 - “E” Designations
 - NYPD (soil remediation at firing range)
 - Mayoral priorities
 - Inter-agency liaisons (DPR, NYPD, Law Dept., MOEC, etc.)
 - DEC ERP program

BEPA – Site Assessment Unit

- John Wuthenow, CIH – Director
- Dan Cole, P.G. – Deputy Director
- Maurice Winter – Project Manager
- Callista Nazaire – Project Manager
- Innocent Taziva, P.G. – Project Manager
- Vlada Smorgunov – City Planner
- Khaja Moinuddin – Project Manager

Typical Delays

- Incomplete submittal
 - Project description, Plans, Phase I, etc.
- Inadequate analytical data
 - Most times completed prior to DEP involvement
 - Limited STARS analysis for USTs, etc.
- Inaccurate analytical tables
- No laboratory analytical data sheets & COC
- Lack of communication between applicant, consultant & architect
- Delaying DEP involvement
 - Construction started prior to "E" designation being assigned
 - Project didn't take advantage of rezoning
- Consultant/architect not familiar with "E" Process
 - Causes delays
 - Send expeditors to handle consultants responsibilities

Parcels with "E" Designations undergoing NYSDEC/NYSDOH Review

- Example programs
 - Brownfield, VCP, etc.
 - Vapor intrusion
 - Petroleum spill sites, LUSTs
- Timing of review
- Cooperation with City agencies, consultants, applicants, DEC/DOH
- Most times DEP defers to State program if already underway
 - DEP coordinates review sign-off process with development timelines and/or State approvals
 - City agency or consultants responsibility

Current Initiatives

- Proposed Zoning Text 11-15 amendment to incorporate Air/Noise "E" Designations, RD's and inter-agency MOU's
- Proposed "E" Designation review fee program
- Proposed IC/EC enforcement program
- Development of "E" review flow chart