



Navigating the NYC Hazmat "E" designation process

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You've had a long term vision for the development of your property and now you're ready to start. Your architect has completed the building plans and your expeditor is on their way to the Department of Buildings for new construction permits. However, the expeditor comes back empty handed; the DOB won't give the permits without a Notice to Proceed from the New York City Department of Environmental Protection (DEP) because your property has a Hazmat "E" on it. You've now entered the world of "E" designation and Hydro Tech Environmental is here to help. We bring to you more experience than a larger consultant can provide, but give the type of pricing you would expect from a smaller firm. At Hydro Tech, we've worked on over 100 such projects and have developed a system that has streamlined the process.

The process starts by submitting a current Phase I ESA, your detailed building plans, an Investigation Work Plan/Health and Safety Plan and a written description of the proposed construction. Submitting all of these documents simultaneously can essentially skip a review by the DEP, thereby making the process a little faster. The Phase I ESA and Investigation Work Plan/Health and Safety Plan can be completed in as little as 2-3 days.

Since the Hazmat "E" designation allows a risk-based approach, the scope of the Investigation Work Plan is based upon your construction. For example, a building that is constructed as a slab on grade and requires only excavation for footings will require a different type of investigation versus a 2 level parking garage that will go 16 feet below grade. Are you developing the entire property or just a portion? These decisions will affect the type and style of investigation that is performed.

Upon their review and approval of the Investigation Work Plan/Health and Safety Plan by the DEP, the Site Investigation can be performed. Based upon the construction and the suspected source(s) of contamination, the investigation can involve soil sampling, groundwater sampling, indoor air sampling, soil vapor sampling or any combination thereof. A geophysical survey is also typically performed during the investigation.

At the time that the data from the investigation is received from the laboratory, the Site Investigation Report, the Remedial Action Plan/Construction Health and Safety Plan and Vapor Barrier Design are prepared. The Site Investigation Report will document the findings of the investigation, allowing the characterization of the likely hazards and concerns to be encountered during the construction. The Remedial Action Plan/Construction Health and Safety Plan is commonly referred to as the RAP/CHASP and will document the proposed remedial efforts to be undertaken during the construction. The Vapor Barrier Design, or VBS, will display how the future construction will protect the building's interior from potential vapors.

All 3 documents can be prepared in as little as 1 week after the receipt of the analytical data and as with all submittals, are hand delivered to the NYCDEP case manager. By submitting all 3 documents simultaneously, this essentially eliminates another review period by the DEP. Typically,

the Site Investigation Report would only be submitted, and then the DEP reviews it and asks for the RAP/CHASP and VBS, which are then reviewed separately.

Upon the DEP's review and approval of the Site Investigation Report, the RAP/CHASP and VBS, a Notice to Proceed is issued. This is a letter that is prepared for the Department of Buildings and says that the developer has completed the necessary investigations, documented the necessary remedial efforts to be implemented during construction and can be issued New Building Permits.

With the Notice to Proceed issued, the construction can take place. Hydro Tech works with your schedule to minimize the impact of the remedial tasks on your construction. Our project managers assist your team in the coordination of all aspects of the construction. Our trucks arrive on time to remove any soil for disposal. Our air monitors, geologists and engineers are at your disposal to perform and document the work. Our field crews effectively remove any tanks, drums or other materials discovered during construction.

When our field work is complete and we've received all necessary paperwork (e.g. manifests and receipts), it is time to prepare the Site Closure Report. This last report certifies the findings and results of all of the remedial efforts performed during the construction. When the Site Closure Report is reviewed and approved by the DEP, they issue a Notice of Satisfaction to the Department of Buildings. In the Notice of Satisfaction, the NYCDEP documents their approval of all aspects of the project and states that a Certificate of Occupancy may be issued.

That's it. There is no more. Letting Hydro Tech manage your environmental needs allows you to be one step closer to your vision.

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