New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 8
6274 East Avon-Lima Road, Avon, New York 14414-9519
Phone: (585) 226-5354 • FAX: (585) 226-8696
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

November 12, 2003

Cheryl Schneider-Box, Director
Department of Community Development
City of Elmira
317 East Church Street, 3rd Floor
Elmira, NY 14901

Re: Former American LaFrance Brownfield Site

Dear Ms. Schneider-Box:

The Soil Management Plan (SMP) you submitted on October 31, 2003 was reviewed by this Department and the State Department of Health. Our comments on the SMP were conveyed to Mr. Stephen Degerdon of the United Environmental Group, Inc., your consultant. Today, Mr. Degerdon submitted a revised version of the SMP which satisfactorily incorporates our comments. Therefore, the November 12, 2003 version of the SMP is hereby approved.

For your records, I am sending you the Department-approved SMP. Please contact me if you have any questions.

Sincerely,

M. D. Mehta, P.E.
Project Manager

Enclosure
c: M. VanValkenburg - w/encl.
B. Putzig - w/o encl.

Soils Management Plan (SMP)
Former American LaFrance Brownfields (ALF) Site
Site #B-00011-8

1. Overview and objectives:

The site is a 4.357-acre, vacant industrial property currently owned by the City of Elmira. The location of the property is shown on Figure 1 of the Record of Decision (ROD) dated March 2002. The site has been characterized during several previous investigations. The user should refer to the previous investigation reports for more detail, as needed.

The objective of this Soils Management Plan (SMP) is to set guidelines for management of soil material during any future activities which would breach the cover system at the site. This SMP addresses environmental concerns related to soil management and has been reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC) as shown in Exhibit 1-1.

2. Nature and extent of contamination:

Based on data obtained from previous investigations and the remediation done at the site, a NYSDEC Environmental Restoration Underground Storage Tanks dated September 2003 was developed by United Environmental Group, Inc., Elmira, NewYork.

The constituents of potential concern (COPC) for water consist primarily of semi-volatile organic compounds from #6 fuel oil. Results of ground water sampling (non-detect for all parameters sampled) indicate that constituents in the soil material have not significantly impacted groundwater quality.

The COPC for the on-site surface and subsurface soils consists primarily of low levels of TAL Metals, semi-volatile organic compounds from #6 fuel oil, and trace Aroclor 1260 (PCBs).

The remaining threats posed by the site include incidental ingestion, inhalation, and dermal contact with contaminated surface soil by people entering the site or by ground intrusive activities. A complete synopsis is detailed in the ROD.

3. Contemplated use:

As part of the redevelopment project, the property has been identified for commercial and light industrial uses. Specific uses for this zoning category are as follows:

- Commercial, excluding activities such as day-care centers.
- Industrial
- Manufacturing

The zoning specifically prohibits residential uses. The municipality agrees for itself and for its lessees and successors in the title that any proposed changes to the Contemplated Use shall be governed by the provisions of the ECL 56-0511 and any regulations of the Department implementing such statute.

4. Purpose and description of surface cover system:

The purpose of the surface cover system is to eliminate the potential for human contact with fill material and eliminate the potential for contaminated runoff from the property. The cover system will consist of one of the following types of clean material:

- Soil: 12-inches of vegetated soil cover underlain by a demarcation layer, in outdoor vegetated areas.

- Asphalt: a minimum of 6 inches of material (asphalt and subbase material) in areas that will become roads, sidewalks, and parking lots. Actual cross sections will be determined based on the intended use of the area.

- Concrete: a minimum of 6 inches of material (concrete and subbase material) in areas that will become slab-on-grade structures or for roads, sidewalks, and parking lots in lieu of asphalt. Actual cross sections will be determined based on the intended use of the area.

5. Management of soils/fill and long-term maintenance of cover system:

The purpose of this section is to provide environmental guidelines for management of subsurface soils and the long-term maintenance of the cover system during any future intrusive work which breaches the cover system.

The SMP includes the following conditions:

- Any breach of the cover system, including for the purposes of construction or utilities work, must be replaced or repaired using an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. The repaired area must be covered with clean soil and reseeded or covered with impervious product such as concrete or asphalt, as described in Section 4, to prevent erosion in the future.

- Control of surface erosion and run-off of the entire property at all times, including during construction activities. This includes proper maintenance of the vegetative cover established on the property.

- Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.

- Soil excavated at the site may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a cover system component as described in Section 4.

- Any off-site fill material brought to the site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. Off-site borrow sources should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, and TAL metals plus cyanide. The soil will be acceptable for use as cover material provided that all parameters meet the NYSDEC recommended soil cleanup objectives included in TAGM 4046.

- Prior to any construction activities, workers are to be notified of the site conditions with clear instructions regarding how the work is to proceed. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

- The Owner shall complete and submit to the Department an annual report by January 15th of each year. Such annual report shall contain certification that the institutional controls put in place, pursuant to the recorded deed, are still in place, have not been altered and are still effective; that the remedy and protective cover have been maintained; and that the conditions at the site are fully protective of public health and the environment.

If the cover system has been breached during the year covered by that Annual Report, the owner of the property shall include the following in that annual report:

- A certification that all work was performed in conformance with this SMP.

In addition, deed restrictions have been implemented in accordance with the requirements of the New York State Brownfield program, limiting the future use of the property to business, commercial, or industrial development.

5.1. Excavated and stockpiled soil/fill disposal:

Soil/fill that is excavated as part of development, which cannot be used as fill below the cover system, will be further characterized prior to transportation off-site for disposal at a permitted facility. For excavated soil/fill with visual or olfactory evidence of contamination (i.e., staining, odors, or elevated PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and a duplicate sample will be collected for 2000 cubic yards of stockpiled soil, and a minimum of 1 sample will be collected for volumes less than 2000 cubic yards.

The composite sample will be collected from five locations within each stockpile. A duplicate composite sample will also be collected. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The composite sample will be analyzed by a NYSDOH ELAP-certified laboratory for the Target Compound List VOCs, SVOCs, and (TCL) TAL Metals. The grab sample will be analyzed for TCL VOCs.

Soil samples will be composited by placing equal portions of fill/soil from each of the five composite sample locations into a pre-cleaned, stainless steel (or Pyrex glass) mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scope or trowel and transferred to pre-cleaned jars provided by the laboratory. Sample jars will then be labeled and a chain-of-custody form will be prepared.

Additional characterization sampling for off-site disposal may be required by the disposal facility. To potentially reduce off-site disposal requirements/costs, the owner or site developer may also choose to characterize each stockpile individually. If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported on or off-site until the analytical results are received and evaluated.

5.2. Subgrade material:

Subgrade material used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria.

- Excavated on-site soil/fill which appears to be visually impacted, shall be sampled and analyzed for TCL SVOC's and TAL Metals. If analytical results indicate that the

contaminants, if any, are present at concentrations below the Site Specific Action Levels (SSALs) as set forth in TAGM 4046, the soil/fill can be used as backfill on-site.

- Any off-site fill material brought to the site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination.

- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a).

- If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.

- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet SSALs, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the SSALs.