

DECISION DOCUMENT

Syosset Park Lots 251 and 252
Brownfield Cleanup Program
Syosset, Nassau County
Site No. C130002
April 2021



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

Syosset Park Lots 251 and 252
Brownfield Cleanup Program
Syosset, Nassau County
Site No. C130002
April 2021

Statement of Purpose and Basis

This document presents the remedy for the Syosset Park Lots 251 and 252 site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Syosset Park Lots 251 and 252 site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at

a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.
3. Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a Track 4 commercial cleanup at a minimum.

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
 - allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
 - restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or Nassau County DOH; and
 - require compliance with the Department approved Site Management Plan.
4. A Site Management Plan is required, which includes the following:
 - a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in paragraph 3 above

Engineering Controls: The Site Cover discussed in paragraph 2 above

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- a provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures;
- descriptions of the provisions of the environmental easement including any land use, and/or

- groundwater and/or surface water use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described above will be placed in any areas where the upper one foot of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

April 30, 2021

Date



Richard A. Mustico, Director
Remedial Bureau A

DECISION DOCUMENT

Syosset Park Lots 251 and 252
Syosset, Nassau County
Site No. C130002
April 2021

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

DECInfo Locator - Web Application
<https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C130002>

Town of Oyster Bay Department of Environmental Resources
Attn: George Baptista
29 Spring Street
Oyster Bay, NY 11771
Phone: 516-677-5811

NYSDEC Region 1 Office
SUNY at Stony Brook, 50 Circle Rd
Stony Brook, NY 11790-3409
Phone: 631-444-0240

Syosset public library
225 South Oyster Bay Road
Syosset, NY 11791
Phone: 516-921-7161 extension 212

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:

The 39-acre Syosset Park Lots 251 and 252 site is located at 305 Robbins Lane on the northeast corner of the intersection of Miller Place (Long Island Expressway North Service Road) and Robbins Lane.

Site Features:

The site is relatively flat, vacant and unimproved. The site is sparsely vegetated and defined by a six-foot chain link fence along the site border.

Current Zoning and Land Use:

The site is currently inactive and zoned Light Industrial. The surrounding parcels include an inactive and properly closed landfill (Syosset Landfill, DEC Site No. 130011) and municipal facilities to the north and east, and a combination of commercial and industrial properties to the south and west. Approximately 950 feet to the northeast, on the other side of the municipal offices and the municipal department of public works yard, is an elementary school. The nearest residential property is approximately 400 feet to the southeast across Interstate 495.

Past Use of the Site:

The Cerro Wire and Conduit Company (Cerro) began operations at the site in the early 1950s. Cerro manufactured steel electrical conduits, hot rolled copper rods, and steel strips for use by the construction industry. Cerro sold the facility in 1984 but continued limited operations under a lease agreement. Cerro terminated operations, closed the facility, and initiated a site decommissioning program in November 1986.

Prior industrial operations led to site contamination. The site was included on the New York State Registry of Inactive Hazardous Waste Disposal Sites (Registry) in 1983 (Site I.D. 130002). The site was removed from the Registry in 1994 following decommissioning, multiple investigations, multiple soil removal and remediation activities. Remediation activities at the site included the removal and off-site disposal of approximately 75,000 cubic yards of filter cake sludge and soils contaminated with copper and/or petroleum-related constituents; treatment and proper disposal or recycling of approximately 500,000 gallons of liquids/acids contaminated mainly with copper; and the removal of three petroleum underground storage tanks. All remedial activities were completed under Department and NYSDOH oversight.

Site Geology and Hydrogeology:

The site is generally flat and slightly lower in elevation than the surrounding area. The soils at the site generally consists of stratified sand and gravels. The Upper Glacial soil formation is unsaturated at the site. The Magothy Aquifer begins at approximately 105 feet below the surface, where groundwater is first encountered. A groundwater flow divide exists beneath the site. This fluctuating, seasonal divide is oriented northwest to southeast near the northern border of the site. The net groundwater flow direction is to the southwest.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;

- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>.

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

polycyclic aromatic hydrocarbons (PAHs), total
copper

The contaminant(s) of concern exceed the applicable SCGs for:

- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), herbicides and pesticides. Based upon investigations conducted to date, the contaminants of concern for the site are copper and a subset of SVOCs called polycyclic aromatic hydrocarbons (PAHs) such as benzo(a)pyrene.

Soil: Based on the 2015 soil investigation, exceedances of Part 375 commercial soil cleanup objective (CSCOs) are found sporadically across the site at varying depths of up to 25 feet below grade.

Copper results ranged from non-detect to 3,600 parts per million (ppm) exceeding the CSCO of 270 ppm. PAHs exceedances of CSCOs included benzo(a)pyrene from non-detect to 1.8 ppm exceeding the CSCO of 1.0 ppm. Data does not indicate any off-site impacts in soil related to this site.

Groundwater: Groundwater investigations conducted in 2016 and 2019 reported significant naturally occurring and background anthropogenic exceedances of applicable Ambient Water Quality Standards (AWQS) for metals such as sodium (maximum of 719,000 parts per billion (ppb); AWQS of 20,000 ppb) and manganese (maximum of 578.9 ppb; AWQS of 300 ppb). These analytes are not considered to be site related. Copper, a site contaminant of concern, was not detected in groundwater above standards.

For PFAS, perfluorooctanoic acid (PFOA) was detected up to 64 parts per trillion (ppt), above the Maximum Contaminant Level (drinking water standard) of 10 ppt. PFOA detections were higher in the upgradient portions of the site and are not considered to be site related.

Perfluorooctanesulfonic acid (PFOS) was not detected above the Maximum Contaminant Level of 10 ppt.

VOCs, pesticides, herbicides and PCBs were not detected above applicable groundwater standards. Groundwater analytical results for 1,4-dioxane were all non-detect.

Data does not indicate any off-site impacts in groundwater related to this site.

Soil Vapor: Due to the lack of structures at the site, only soil vapor was sampled. Results include but are not limited to: tetrachloroethene ranging from non-detect to 6.49 micrograms per cubic meter (ug/m^3), benzene ranging from 0.706 to 2.23 ug/m^3 , toluene ranging from 3.6 to 22.3 ug/m^3 and 1,4-dichlorobenzene ranging from 5.83 to 31.4 ug/m^3 . Environmental sampling indicates soil vapor intrusion is not a concern on-site. In addition, the sampling results do not indicate a concern for off-site soil vapor migration.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

The site is completely fenced, which restricts public access. However, people are not expected to come into contact with contaminated soil or groundwater unless they dig below the surface. People are not drinking the contaminated groundwater because the surrounding area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the soil vapor (air spaces within the soil) may move into buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Environmental sampling indicates soil vapor intrusion is not a concern on-site. In addition, the sampling results do not indicate a concern for off-site soil vapor migration.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Site Cover System, Environmental Easement and Site Management remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
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- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs).

Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

3. Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a Track 4 commercial cleanup at a minimum.

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
 - allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
 - restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or Nassau County DOH; and
 - require compliance with the Department approved Site Management Plan.
4. A Site Management Plan is required, which includes the following:
 - a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in paragraph 3 above

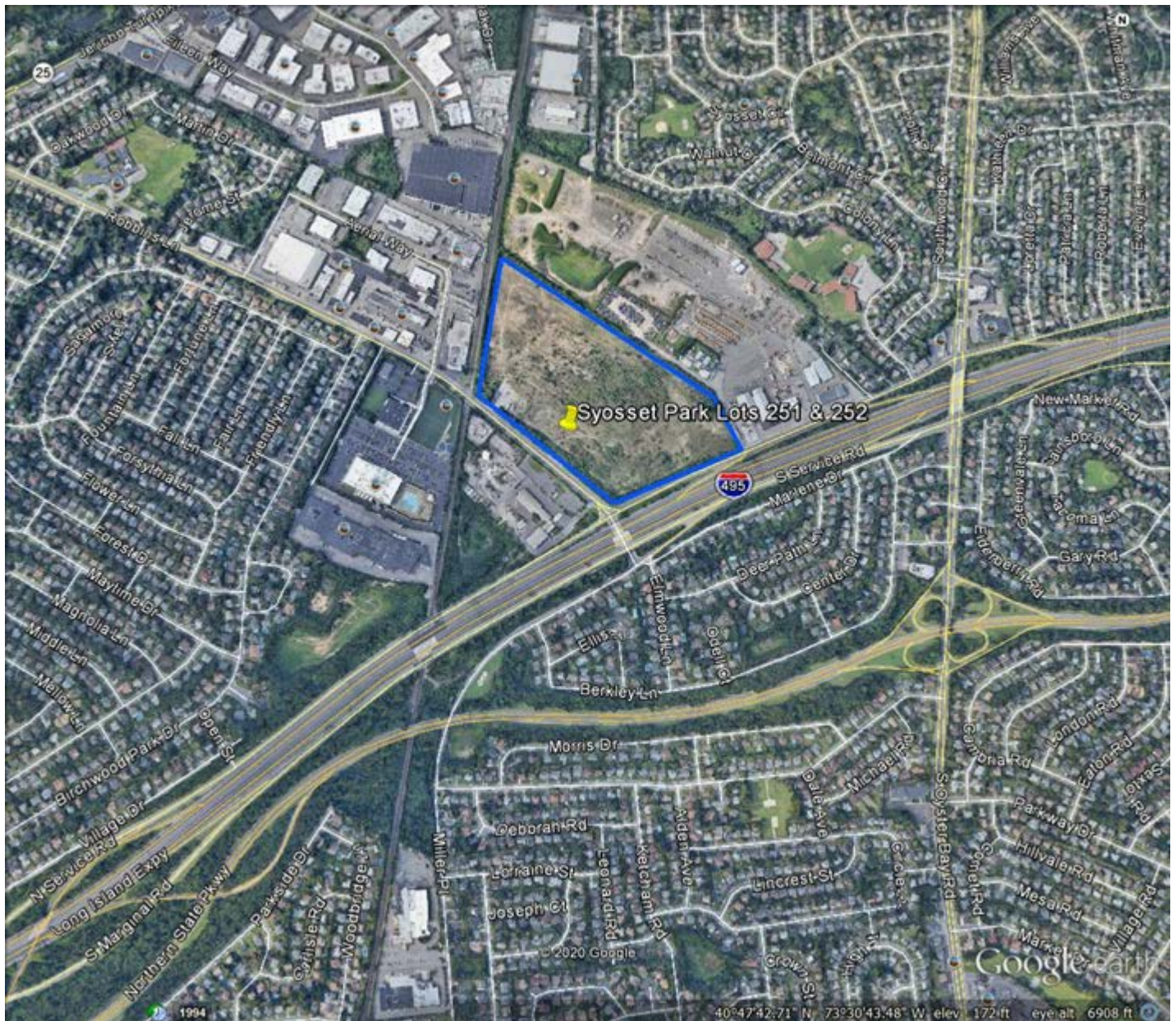
Engineering Controls: The Site Cover discussed in paragraph 2 above

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- a provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures;
- descriptions of the provisions of the environmental easement including any land use, and/or groundwater and/or surface water use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described above will be placed in any areas where the upper one foot of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);

- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

BROWNFIELD CLEANUP PROGRAM



Site Location Map

BCP Site Number: C130002

Syosset Park Lots 251 & 252

305 Robbins Lane, Syosset, New York



Department of
Environmental
Conservation

FIGURE 1

