DECISION DOCUMENT

Clocktower
Brownfield Cleanup Program
Roslyn, Nassau County
Site No. C130246
March 2023

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

DECLARATION STATEMENT - DECISION DOCUMENT

Clocktower
Brownfield Cleanup Program
Roslyn, Nassau County
Site No. C130246
March 2023

Statement of Purpose and Basis

This document presents the remedy for the Clocktower 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 Clocktower 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. Excavation

Excavation and off-site disposal of all contaminant source areas, including on-site soils exceeding protection of groundwater soil cleanup objective (PGWSCOs), as defined by 6 NYCRR Part 375-6.8 for those contaminants found in site groundwater above standards, as well as on-site soils which exceed unrestricted use soil cleanup objectives (UUSCOs), as defined by 6 NYCRR Part 375-6.8.

Approximately 8,000 cubic yards of contaminated soil will be removed from the site from depths ranging from the surface up to 8 feet below ground surface (bgs). Collection and analysis of confirmation samples at the remedial excavation depths will be used to verify that UUSCOs for the site have been achieved. If confirmation sampling indicates that UUSCOs were not achieved at the required remedial depths, the Applicant must notify DEC, submit the sample results and, and in consultation with DEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that UUSCOs for the site have been achieved.

If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

3. Backfill

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Groundwater Remedies

In-situ enhanced biodegradation will be employed to treat 1,2,4-trimethylbenzene, n-propylbenzene and ethylbenzene in groundwater generally in the southeastern quarter of the site, in the vicinity of the former gasoline underground storage tanks (UST). The biological breakdown of contaminants through aerobic respiration will be enhanced by the placement or injections of an oxygen release compound (ORC), or similar material into the subsurface. The method and depth of placement or injections will be determined during the remedial design.

Monitoring will be required down-gradient and within the treatment zone. Monitoring will be conducted for "contaminants of concern" downgradient and within the treatment zone. The

treatment zone will also be monitored for dissolved oxygen and oxidation/reduction potential.

5. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieve soil, groundwater, then the following local use restriction will be relied upon to prevent ingestion of groundwater: Nassau County Public Health Ordinance, Article 4, which prohibits potable use of groundwater without prior approval.

Contingent Track 1:

The intent of the remedy is to achieve a Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated.

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 4 restricted residential cleanup.

6. Cover System

A site cover will be required in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs), to allow for future restricted residential use of the site. Where a soil cover is to be used it will be a minimum of two feet 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.

7. Engineering and Institutional Controls.

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 restricted residential cleanup at a minimum and will include imposition of a site cover as described in Section 7 above.

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 restricted residential 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 County DOH; and
- require compliance with the Department approved Site Management Plan.

8. Site Management Plan

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 7 above.

Engineering Controls: The Cover System discussed in Paragraph 6 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, or groundwater use restrictions;
- 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.

B. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy; and
- a schedule of monitoring and frequency of submittals to the Department.

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.

March 29, 2023
Date

Richard A. Mustico, Director
Remedial Bureau A

DECISION DOCUMENT

Clocktower
Roslyn, Nassau County
Site No. C130246
March 2023

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, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

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=C130246

and

Gold Coast Library
Attn: Michael Morea
50 Railroad Avenue
Glen Head, NY 11545

Phone: (516) 759-8300 Ext. 102

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 Clocktower site is a 1.26-acre site located in a suburban area. The site is located on the west side of Hempstead Harbor approximately 800 feet north of the intersection of Lumber Road and Old Northern Blvd.

Site Features: The site is relatively flat and contained a single-story 5,720 square foot commercial building with attached garage that was demolished in June 2022. The site is currently vacant and is bordered along the east bulkhead by Hempstead Harbor.

Current Zoning and Land Use: The site is currently zoned for commercial use. The surrounding parcels are combination of residential and commercial use. The nearest residential area is approximately 250 feet to the east.

Past Use of the Site: The site was formerly wetlands associated with Hempstead Harbor until it was filled in prior to 1947. The site was first used as a marina in the late 1940s and continued with that use until the late 1960s. The site was further developed in 1971 when a building was constructed for New York Telephone's work center and a maintenance garage. Verizon occupied the site until 2013, followed by a producer of Cannabidiol (CBD) products who vacated in 2021.

Site Geology and Hydrogeology: The soil across the site generally consisted of historic fill material and is underlain by layered sands, gravel, and silt. The groundwater at the site is tidally influenced and present at depths of approximately three to eight feet below ground surface (bgs) in the upper glacial aquifer. Groundwater flows to the east/northeast into the adjacent Hempstead Harbor.

Site location maps are attached as Figure 1 and Figure 2.

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, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the Remedial Investigation (RI) against unrestricted use standards,

criteria and guidance values (SCGs) for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do 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:

benzo(b)fluoranthene	lead
benzo(a)anthracene	1,2,4-trimethylbenzene
arsenic	n-propylbenzene
mercury	ethylbenzene
copper	

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

- groundwater
- 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.

The following IRM is active at this site.

Bulkhead Replacement with Soil Removal

An IRM commenced in July 2022 to replace the eastern bulkhead, bordering Hempstead Harbor, and excavate approximately 1,852 cubic yards of contaminated soils behind the bulkhead. The contaminated soil was transported off-site for disposal and any fill material was certified as clean prior to backfill. The IRM soil cleanup activities are ongoing.

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 primary contaminants of concern include mercury and lead in soil throughout the site and gasoline related compounds in soil and groundwater.

Soil - SVOCs found in exceedance of unrestricted use soil cleanup objective (UUSCO) include benzo(b)fluoranthene at 4.4 part per million (ppm) and benz(a)anthracene at 2.9 ppm compared to UUSCOs of 1 ppm for both compounds. Metals found in exceedance of UUSCOs include arsenic at 24.3 ppm compared to UUSCO of 13 ppm, mercury at 61.2 ppm compared to UUSCO of 0.18 ppm and the PGWSCO of 0.73 ppm, copper at 341 ppm compared to UUSCO of 50 ppm and lead at 512 ppm compared to UUSCO of 63 ppm and the PGWSCO of 450 ppm. Pesticide and herbicide contamination was limited to surface level exceedances of UUSCOs. Data does not indicate any off-site impacts in soil related to this site.

Groundwater - Gasoline related compounds were found exceeding Ambient Water Quality Standards (AWQS) for groundwater on the southern portion of the site. Elevated compounds in exceedance of the 5 parts per billion (ppb) AWQS include 1,2,4-trimethylbenzene at 86 ppb, n-propylbenzene at 25 ppb, and ethylbenzene at 35 ppb. Metals exceeding the AWQS are lead at 439 ppb compared to the standard of 25 ppb and mercury at 1.8 ppb compared to the standard of 0.7 ppb. Data does not indicate any off-site impacts in groundwater related to this site.

Emerging contaminant sampling of per-and polyfluoroalkyl substances (PFAS) and 1,4-dioxane did not report detections above standards.

Soil Vapor - Several VOCs were detected in the soil vapor below levels of concern. For example, acetone, was reported at a maximum concentration of 1,600 ug/m^3, and methyl ethyl ketone (MEK), at a maximum concentration of 290 ug/m^3 in soil vapor. Indoor air and sub-slab vapor were not analyzed because no site buildings exist. Data does not indicate any on or off-site impacts in soil vapor related to this site, and there is no concern for potential exposures *via* soil vapor intrusion.

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 vacant and completely fenced, which restricts public access. However, people who enter the site could contact contaminants in the soil by digging or otherwise disturbing the soil. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in soil vapor (air spaces within the soil) can move into buildings and affect 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 or off-site.

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.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Prevent the discharge of contaminants to surface water.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in 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 Contingent Track 1: Unrestricted use remedy. The remedy components are shown on Figure 3.

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;
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- Maximizing habitat value and creating habitat when possible;
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- 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. Excavation

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If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling

will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

3. Backfill

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Contingent Track 1:

The intent of the remedy is to achieve a Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated.

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 4 restricted residential cleanup.

6. Cover System

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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.

7. Engineering and Institutional Controls.

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 restricted residential cleanup at a minimum and will include imposition of a site cover as described in Section 7 above.

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 restricted residential 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 County DOH; and
- require compliance with the Department approved Site Management Plan.

8. Site Management Plan

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 7 above.

Engineering Controls: The Cover System discussed in Paragraph 6 above.

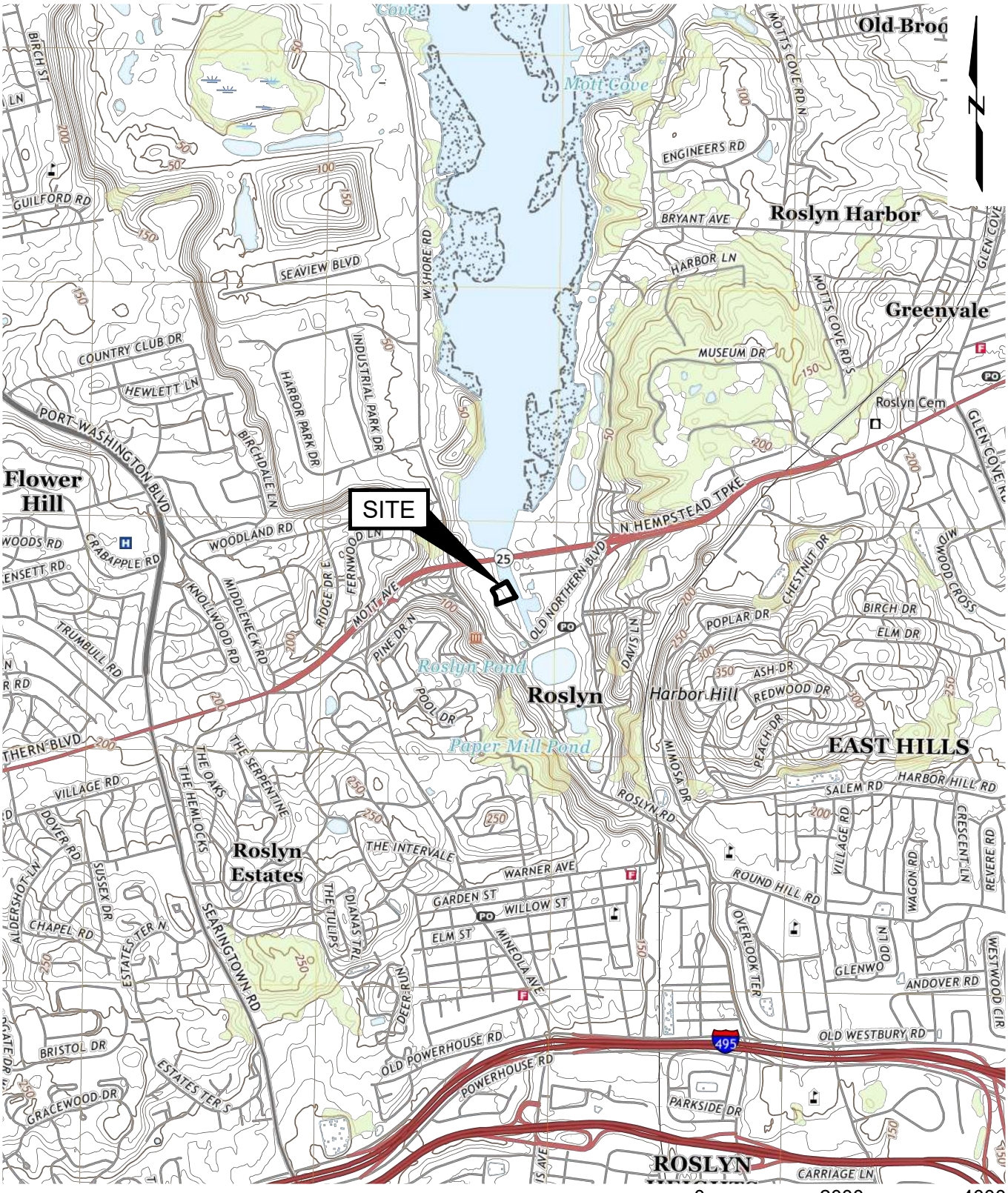
This plan includes, but may not be limited to:

- 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, or groundwater use restrictions;
- 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.

B. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy; and
- a schedule of monitoring and frequency of submittals to the Department.



SOURCE:
MAP CREATED WITH USGS TOPOGRAPHIC MAP,
SEA CLIFF, NY 7.5-MINUTE QUADRANGLE, 2019.

Remedial Investigation Report Clocktower 45 Lumber Road, Roslyn, New York	GEI Consultants	SITE LOCATION MAP
Lumber Road Roslyn, LLC Halesite, New York	Project 2101863	August 2022 Fig. 1

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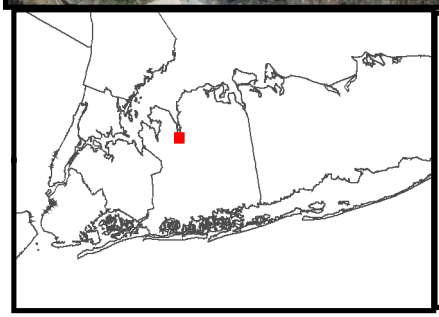

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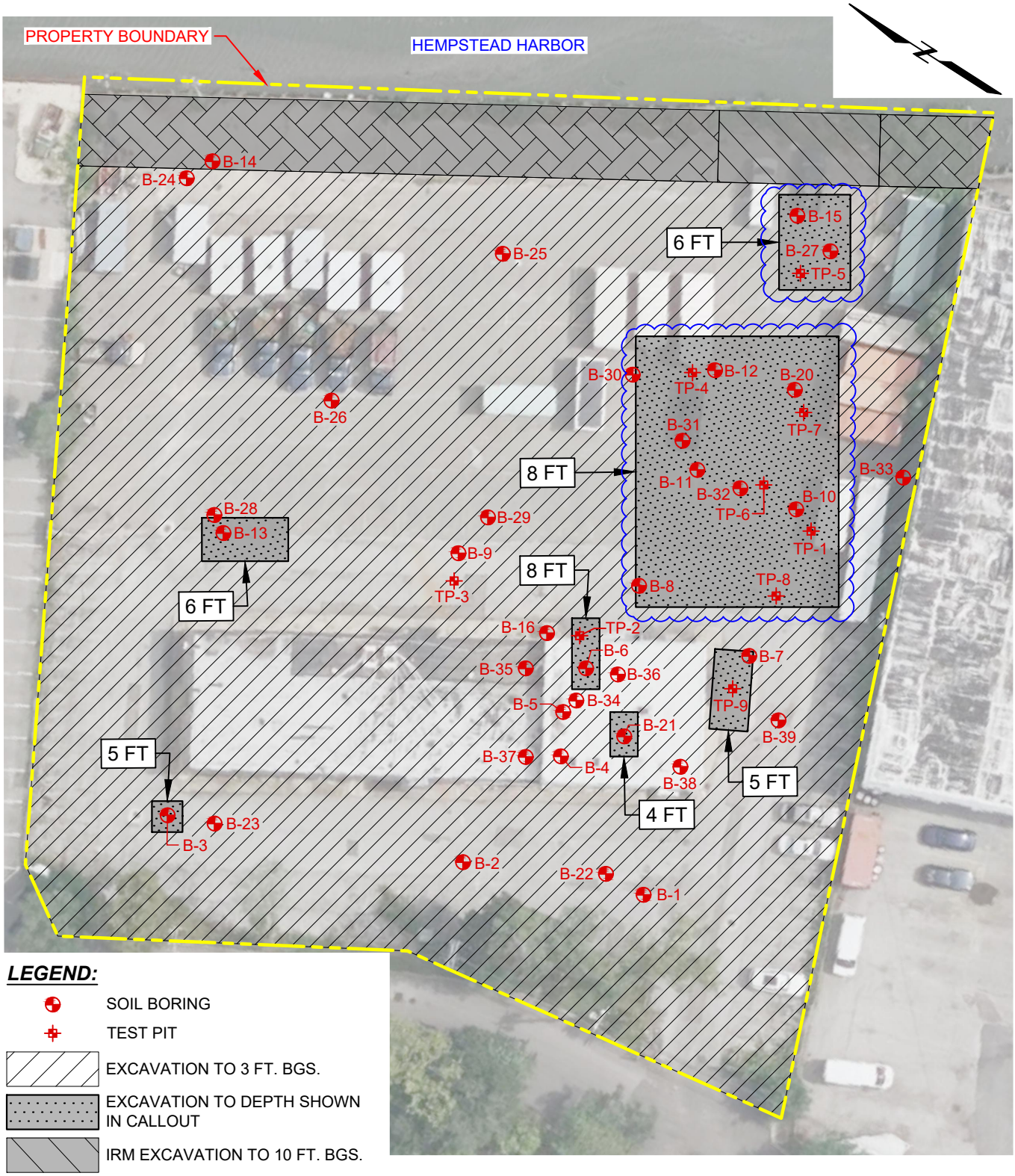
Figure 2
Site Location Map

Clocktower
Site No. C130246
45 Lumber Road
Roslyn, NY



LEGEND:

- SOIL BORING
- TEST PIT
- EXCAVATION TO 3 FT. BGS.
- EXCAVATION TO DEPTH SHOWN IN CALLOUT
- IRM EXCAVATION TO 10 FT. BGS.
- BULKHEAD REPLACEMENT EXCAVATION (2:1 SLOPE TO 10 FT. BGS. ALONG BULKHEAD)
- APPROXIMATE GROUNDWATER TREATMENT AREA

Remedial Action Work Plan
Clocktower
45 Lumber Road, Roslyn, New York

Lumber Road Roslyn, LLC
Halesite, New York

GEI Consultants

TRACK 1 EXCAVATION PLAN

Project 2101863 | March 2023 | Fig. 3

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