DECISION DOCUMENT

Long Island Rail Road Yaphank Site Brownfield Cleanup Program Yaphank, Suffolk County Site No. C152146 October 2021



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

DECLARATION STATEMENT - DECISION DOCUMENT

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Statement of Purpose and Basis

This document presents the remedy for the Long Island Rail Road Yaphank 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 Long Island Rail Road Yaphank 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. Consolidation/Capping

Approximately 9,500 cubic yards of soil will be excavated from various areas of the site, consolidated and capped onto approximately two acres of the western portion of the LIRR property, as indicated on Figure 3. This includes all soils on the residential portion of the site which exceed unrestricted use soil cleanup objectives (UUSCOs), and soils excavated from the industrial parcels to achieve design grades, improve drainage, and facilitate cover systems over areas of remaining contamination, as described in the Cover System section, below. All excavated soil will be consolidated above the water table and will receive an engineered cap system designed, constructed and maintained in conformance with the substantive requirements of 6 NYCRR Part 360 solid waste regulations including but not limited to a geomembrane with articulated block mat cover. Excavation on the residential portion of the site will be deemed complete when documentation sampling shows that all soil above UUSCOs has been removed.

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) for unrestricted use on the residential portion of the site, and residential use elsewhere on the site, will be brought in to replace the excavated soil. Once restored, the residential property will not require a cover system.

3. Cover System

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 exceeds the applicable soil cleanup objectives (SCOs), exclusive of the Part 360 cap area. 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) and at a minimum meet residential use SCOs, due to the adjacent residential property. 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.

4. Engineering and Institutional Controls

Imposition of an institutional control in the form of environmental easements and a Site Management Plan, as described below, will be required for the industrial portions of the site, which will achieve a Track 4 commercial cleanup. The residential portion of the site will achieve a Track 1 unrestricted cleanup and will not require engineering or institutional controls.

Imposition of an institutional control in the form of environmental easements for the controlled properties 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 for the use and development of the controlled properties for commercial 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 County DOH; and
- require compliance with the Department-approved Site Management Plan.

5. 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 easements, as described in paragraph 4 above.

Engineering Controls: The 6 NYCRR Part 360 cap and the cover systems, as described in paragraphs 2 and 3 above, respectively.

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 easements including any land use and groundwater use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in the Cover System section above will be placed in any areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives;
- 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.

October 29, 2021

Date

Richard G. Monto

Richard A. Mustico, Director Remedial Bureau A

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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: <u>CITIZEN PARTICIPATION</u>

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=C152146

Mastics-Moriches-Shirley-Community Library Attn: Reference Librarian 407 William Floyd Parkway Shirley, NY 11967-3492 Phone: 631-399-1511 Longwood Public Library Attn: Reference Librarian 800 Middle Country Rd Middle Island, NY 11953 Phone: (631) 924-6400

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 <u>http://www.dec.ny.gov/chemical/61092.html</u>

SECTION 3: SITE DESCRIPTION AND HISTORY

This site transitioned to the BCP from the Voluntary Cleanup Program. Additional information can be found under Department site number V00384.

Location: This site is located between River Road and Moriches-Middle Island Road, and along the south side of the Long Island Rail Road (LIRR) tracks, in the Hamlet of Yaphank, Town of Brookhaven. A site location map is attached as Figure 1.

Site Features: The 7.5-acre brownfield site is comprised of the majority of the LIRR-owned property and impacted portions of three adjacent parcels. The LIRR-owned portion of the site is a relatively long, narrow, 4-acre parcel running parallel to and south of the LIRR main line track and is located immediately east of River Road. This parcel is primarily underlain with fill material. Immediately east of the LIRR property, a 1.6-acre portion of the site is owned and operated by an asbestos and hazardous waste collection and trucking company. This parcel is extensively underlain with fill material. Immediately south of the LIRR property, a 1.9-acre portion of the site is owned and operated as a concrete mixing plant. In addition, immediately south of the LIRR property, a 0.02-acre portion of the site is part of an undeveloped residential property. The properties to the south of the LIRR property are impacted by fill material to a lesser extent. The overall brownfield site is identified on the Suffolk County Tax Maps as Section 640 Block 1 Lot 2 (4-acres); Section 641 Block 1 Lots 12-21 and 44 (3.5+- acres). Following remediation, the properties will remain in use as they are currently. A map depicting the parcels involved in the site is attached as Figure 2.

Current Zoning and Land Use: The site is zoned for industrial, commercial, and residential uses depending on the individual parcel. Surrounding land use, outside of the involved site tax parcels, is primarily residential to the south. The LIRR main line track and undeveloped woodland is to the north, with undeveloped woodland (South haven County Park) to the west, and commercial and residential properties to the east.

Past Use of the Site: The site was used as a general disposal area for railroad-related waste from the 1950s to the early 1970s.

In 2007, under the Voluntary Cleanup Program, LIRR conducted an Interim Remedial Measure (IRM) to remove approximately 870 cubic yards of metals-contaminated soil from an off-site area southwest of the site. The removal took place from a drainage ditch area of about 17,000 square feet adjacent to River Road. The removal of this soil and restoration of the land surface met residential soil cleanup objectives on the off-site vacant residential property. The IRM also included upgrades to the site fencing and applied a stone/recycled concrete aggregate cover on a portion of the site adjacent to the tracks to mitigate exposures. The IRM construction completion report was approved in 2009. No further action on the off-site area is required.

Site Geology and Hydrogeology: The fill material disposed at the site is up to 24 feet thick and overlays the native soils consisting of sands, gravels, and clays. The groundwater is about 10 to 30 feet below grade depending on the surface elevation and flows to the south-southwest. The Carmans River is approximately 1,000 feet southwest of the site.

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 portions of the site to commercial use as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of a portion 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 Participant. The Applicant has an obligation to address on-site and off-site contamination. Accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: <u>Summary of the Remedial Investigation</u>

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

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: <u>http://www.dec.ny.gov/regulations/61794.html</u>

6.1.2: <u>RI Results</u>

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:

lead	copper
arsenic	zinc

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.

There were no IRMs performed at this site during the BCP Remedial Investigation.

6.3: <u>Summary of Environmental Assessment</u>

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 metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and the emergent contaminants per- and polyfluorinated alkyl substances (PFAS) and 1,4 dioxane. Based on the investigations conducted to date, the contaminants of concern which drive the remedy, are the metals lead, arsenic, copper and zinc. These were found in surface and subsurface soil at concentrations above use-specific soil cleanup objectives on-site and off-site. Contamination is present in the fill layer which extends up to 24 feet below grade. The fill layer is separated from the groundwater table by 10-15 feet of native soils.

Soil: Based on the soil investigations, exceedances of 6 NYCRR Part 375 commercial use soil cleanup objectives (CUSCOs) were found across the site. Exceedances were found at varying depths of up to 24 feet. In addition, exceedances of 6 NYCRR Part 375 unrestricted use soil cleanup objectives (UUSCOs) were found on the residential property. Exceedances were found at varying depths of up to 5 feet.

Arsenic results on the residential property ranged from 0.57 to 181 parts per million (ppm) exceeding the unrestricted use SCO (UUSCO) of 13 ppm. Arsenic results on the industrial properties ranged from ND to 6,460 ppm exceeding the commercial use SCO (CUSCO) of 16 ppm.

Zinc results on the residential property ranged from 11.5 to 206 ppm exceeding the unrestricted UUSCO of 109 ppm. Zinc results on the industrial properties ranged from 2.3 to 35,500 ppm exceeding the CUSCO of 10,000 ppm.

Lead results on the residential property ranged from 33.5 to 4,770 ppm exceeding the UUSCO of 63 ppm. Lead results on the industrial properties ranged from 0.74 to 84,400 ppm exceeding the CUSCO of 1,000 ppm.

Copper results on the residential property ranged from 4.7 to 222 ppm exceeding the UUSCO of 50 ppm. Copper results on the industrial properties ranged from non-detect to 5,200 ppm exceeding the CUSCO of 270 ppm.

Groundwater: VOCs and SVOCs were not detected above New York State Ambient Water Quality Standards and Guidance Values (AWQS). In general, most metals detected on-site were at concentrations comparable to upgradient groundwater quality.

Metals in the upgradient wells were not in excess of the AWQS with the exception of naturally occurring and background/anthropogenic exceedances of applicable AWQS such as antimony (3.9 parts per billion (ppb)) and iron (1,120 ppb) detected at concentrations above their respective AWQS of 3 ppm and 300 ppb, respectively.

The metals detected most frequently in the site-related fill material, including arsenic, copper, lead, zinc, cadmium, and chromium were generally found below AWQS in on-site groundwater. One exception was the presence of lead that was detected in three on-site wells at concentrations of 49 ppb, 77.5 ppb (the well closest to the residential property), and 120 ppb in unfiltered samples, and one exceedance of 48 ppb in a filtered sample above the AWQS of 25 ppb. However, lead did not exceed drinking water standards in off-site monitoring wells. In addition, the Public and Private Water Supply Survey did not identify any public or private supply wells within a ¹/₂ mile downgradient of the site. Based on these findings, groundwater is not considered a potential exposure pathway for site-related contaminants.

For PFAS, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) were reported at concentrations of 2.4 and 1.7 parts per trillion (ppt), respectively, below the Maximum Contaminant Level (drinking water standard) of 10 ppt in groundwater. 1,4-dioxane was not detected in any of the specified groundwater samples.

Special Resources Impacted/Threatened:

The Fish and Wildlife Recourse Impact Analysis, Part 1 Resource Characterization, did not identify any threats to fish and wildlife resources. Additionally, the site is not within the Carmans River Corridor and is not within a regulated wetland area. Off-site groundwater (including groundwater in the direction of the Carman's River) has not been impacted by site-related contaminants.

6.4: <u>Summary of Human Exposure Pathways</u>

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 partially fenced, which restricts some public access. However, persons who enter the site could contact contaminants in the soil by walking on the site, digging or otherwise disturbing the soil. In addition, the potential for incidental inhalation or ingestion of contaminated dust exists as some contaminated material is at the surface. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by this contamination.

6.5: <u>Summary of the Remediation Objectives</u>

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:

<u>Groundwater</u>

RAOs for Public Health Protection

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

RAOs for Environmental Protection

• Restore groundwater aquifer to pre-disposal/pre-release conditions, to the extent practicable.

<u>Soil</u>

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 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 Multiple Cleanup Tracks remedy.

The selected remedy is referred to as the Consolidation/Capping and Covering remedy.

The elements of the selected remedy, as shown in Figure 3, 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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- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- 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. Consolidation/Capping

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Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) for unrestricted use on the residential portion of the site, and residential use elsewhere on the site, will be brought in to replace the excavated soil. Once restored, the residential property will not require a cover system.

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4. Engineering and Institutional Controls

Imposition of an institutional control in the form of environmental easements and a Site Management Plan, as described below, will be required for the industrial portions of the site, which will achieve a Track 4 commercial cleanup. The residential portion of the site will achieve a Track

1 unrestricted cleanup and will not require engineering or institutional controls.

Imposition of an institutional control in the form of environmental easements for the controlled properties 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 for the use and development of the controlled properties for commercial 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 County DOH; and
- require compliance with the Department-approved Site Management Plan.

5. Site Management Plan

A Site Management Plan is required, which includes the following:

b. 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 easements, as described in paragraph 4 above.

Engineering Controls: The 6 NYCRR Part 360 cap and the cover systems, as described in paragraphs 2 and 3 above, respectively.

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 easements including any land use and groundwater use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in the Cover System section above will be placed in any areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives;
- provisions for the management and inspection of the identified engineering controls;
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- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.





