DECISION DOCUMENT

Ciabattoni Property
Brownfield Cleanup Program
Stony Point, Rockland County
Site No. C344068
August 2010

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

DECLARATION STATEMENT - DECISION DOCUMENT

Ciabattoni Property
Brownfield Cleanup Program
Stony Point, Rockland County
Site No. C344068
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Statement of Purpose and Basis

This document presents the remedy for the Ciabattoni Property site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law, 6 NYCRR Part 375, and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Ciabattoni Property 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. A site-wide cover system to prevent exposure to contaminated soil. The cover system consists of a one-foot thick layer of clean soil for vegetated areas. Non-vegetated areas (buildings, roadways, parking lots, etc.) are covered by a paving system or concrete at least 6 inches thick. Clean soil is soil that is tested and meets the Division of Environmental Remediation's criteria for backfill or local site background. If the soil cover is disturbed in the future, it will consist of a one-foot thick layer of clean soil underlain by a demarcation layer to delineate the cover soil from the subsurface soil. The top six inches of soil must be of sufficient quality to support vegetation.

2. Imposition of an institutional control in the form of an environmental easement for the controlled property that:
   (a) requires 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).
   (b) restricts the use and development of the controlled property to commercial use, which also allows industrial use.
   (c) restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the Department, NYSDOH or County DOH;
   (d) prohibits agriculture or vegetable gardens on the controlled property;
   (e) requires compliance with the Department approved Site Management Plan.

3. Since the remedy results in contamination remaining at the site that does not allow for unrestricted use, 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 assure the following institutional and/or engineering controls remain in place and effective and includes:
      (i) an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
      (ii) descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
      (iii) provisions for the management and inspection of the identified engineering controls;
      (iv) maintaining site access controls and Department notification; and
      (v) 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:
      (i) monitoring of groundwater to assess the performance and effectiveness of the remedy;
      (ii) a schedule of monitoring and frequency of submittals to the Department;
      (iii) provision to evaluate the potential for vapor intrusion for any buildings developed on the site, including provision for mitigation of any impacts identified;
      (iv) provision to evaluate the potential for soil vapor intrusion for existing buildings if building use changes significantly or if a vacant building becomes occupied.

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.

August 9, 2010

Date

Robert W. Schick, Director
Remedial Bureau C

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Ciabattoni Property
Stony Point, Rockland County
Site No. C344068
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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, have 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 Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, 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: SITE DESCRIPTION AND HISTORY

The Ciabattoni Property is located at 153 South Liberty Drive in a suburban area of the Town of Stony Point, Rockland County, New York.

The site is an approximately 0.23 acre parcel located on the western side of South Liberty Drive (US Routes 9W and 202). It is currently developed as a bank and parking lot. The bank building and parking lot extend off of the site onto the adjacent property to the north.

The surrounding area is used for a combination of commercial and residential purposes.

From 1953 until 2003 the site was the location of a gas station and automotive repair shop. The storage and use of petroleum associated with the former gas station has led to contamination of the site.

The site remedial program is being performed by Sembler/Treasure New York Joint Venture c/o Sembler Florida, Inc. as a volunteer in the DEC's Brownfield Cleanup Program (BCP). The site

is currently being managed as a single operable unit.

Several remedial actions were conducted at the site prior to the site entering the BCP, which included removal of several petroleum bulk storage tanks and removal of areas of petroleum contaminated soil.

A site location map is attached as Figure 1.

SECTION 3: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonable anticipated future land use of the site and its surroundings when assessing the nature and extent of contamination. For this site alternatives that may restrict the use of the site to commercial criteria as described in Part 375-1.8(g) were evaluated in addition to unrestricted SCGs.

A comparison of the appropriate SCGs for the identified land use against the unrestricted use SCGs for the site contaminants is available in the RI.

SECTION 4: 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 doesn't pose a significant threat; accordingly, no enforcement actions are necessary.

SECTION 5: SITE CONTAMINATION

5.1: 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, surface water or sediments may have been contaminated by the installation of monitoring wells to assess groundwater or the sampling of any waste identified as well as the soil using soil borings or test pits. 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 5.4.

5.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform with 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 surface and subsurface 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/2393.html

5.1.2: RI Information

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor
- indoor air

The data has 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 in section 5.4. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

xylene (mixed)
benzene
naphthalene

The contaminant(s) of concern exceed the applicable standards, criteria and guidance for:

- groundwater
- soil

5.2: 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 approved IRMs performed at this site during the RI.

5.3: Summary of Human Exposure Pathways

This section describes the current or potential human exposures to persons at or around the site that may result from the contamination. A more detailed discussion of the human exposure pathways can be found in the RI Report (or appropriate document) available at the document repository. An exposure pathway describes the means by which an individual may be exposed to contaminants originating from a site. An exposure pathway has five elements: [1] a contaminant source, [2] contaminant release and transport mechanisms, [3] a point of exposure, [4] a route of exposure, and [5] a receptor population.

Contaminant release and transport mechanisms carry contaminants from the source to a point where people may be exposed. The exposure point is a location where actual or potential human contact with a contaminated medium may occur. The route of exposure is the manner in which a contaminant actually enters or contacts the body (e.g., ingestion, inhalation, or direct contact). The receptor population is the people who are, or may be, exposed to contaminants at a point of exposure.

An exposure pathway is complete when all five elements of an exposure pathway exist. An exposure pathway is considered a potential pathway when one or more of the elements currently does not exist, but could in the future.

The site is covered by a building and pavement so contact with contaminated soils is not expected. Drinking contaminated groundwater is not likely since the area is supplied by public water.

5.4: 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 the existing and potential impacts from the site to fish and wildlife receptors.

Based on investigations performed, the primary contaminants of concern at the site are volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) associated with petroleum contamination. VOCs detected at the site include benzene; toluene; ethylbenzene; xylenes; 1,2,4-trimethylbenzene; 1,3,5-trimethylbenzene; and several others. Several SVOCs were detected at the site, with naphthalene being the SVOC detected at the highest concentrations. The contaminants are present in soil and groundwater several feet below the ground's surface.

Concentrations of benzene in groundwater ranged from non-detect to 290 parts per billion (ppb), compared to its groundwater standard of 1 ppb. Concentrations of naphthalene in groundwater at the site ranged from non-detect to 170 ppb, compared to its groundwater guidance value of 10 ppb.

Groundwater flow is from west to east. Groundwater contamination extends off-site to the east, under South Liberty Drive.

More information regarding the site can be found in the documents placed in the Site Document Repository.

SECTION 6: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and evaluation of the remedial criteria are present 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.

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

1. A site-wide cover system to prevent exposure to contaminated soil. The cover system consists of a one-foot thick layer of clean soil for vegetated areas. Non-vegetated areas (buildings, roadways, parking lots, etc.) are covered by a paving system or concrete at least 6 inches thick. Clean soil is soil that is tested and meets the Division of Environmental Remediation's criteria for backfill or local site background. If the soil cover is disturbed in the future, it will consist of a one-foot thick layer of clean soil underlain by a demarcation layer to delineate the cover soil from the subsurface soil. The top six inches of soil must be of sufficient quality to support vegetation.

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      (ii) descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;

(iii) provisions for the management and inspection of the identified engineering controls;
(iv) maintaining site access controls and Department notification; and
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(b) a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
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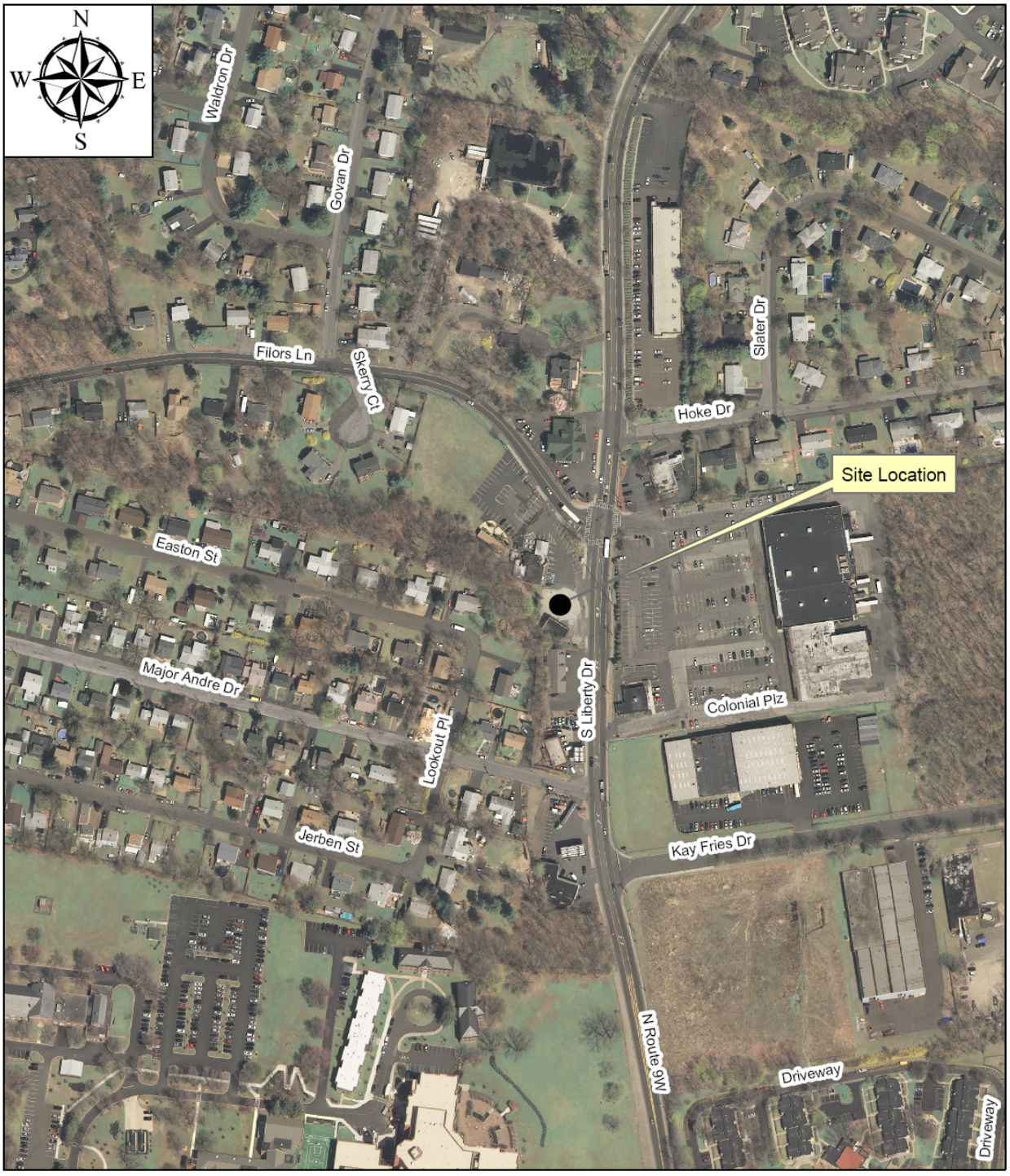

0 250 500 Feet

FIGURE 1

LEGEND:
Groundwater Monitoring Well
CONCRETE COVER & BUILDING
CONCRETE COVER
ASPHALT COVER
1' (MIN) SOIL/VEGETATION COVER
A2L
AIL TECHNOLOGIES, INC.
TAMPA, FLORIDA
Ciabattoni Property
153 South Liberty Drive
Stony Point, New York
Site No. C344068
Figure 2
U.S Route 9W & 202
South Liberty Drive
MW-05
MW-06
MW-03
MW-04
MW-02
MW-01
VEGETAED AREA
Former Dispenser Island
Current Bank Building
Former Gas Station Building
Boundary of Ciabattoni Site
COVER CROSS-SECTION
ASPHALT SYSTEM MINIMUM OF 6" THICKNESS
EXTERIOR WALL
BUILDING
15 MIL POLYETHYLENE VAPOR BARRIER CONTINUOUS UNDER BUILDING WITH OVERLAP JOINTS. CONCRETE - 4" THICKNESS EXCEPT AT VAULT WHERE CONCRETE IS 8" THICK