



# FACT SHEET

## Brownfield Cleanup Program

Ciabattoni Property  
C344068

September 2010

Town of Stony Point, NY

### NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that Sembler/Treasure New York, Joint Venture, c/o Sembler Florida, Inc. (“applicant”) has achieved cleanup requirements to address contamination related to the Ciabattoni Property (“site”) located at 153 South Liberty Drive in the Town of Stony Point, Rockland County under New York’s Brownfield Cleanup Program. See map for site location.

NYSDEC has issued a Certificate of Completion to the applicant regarding the site. A copy of the Notice of the Certificate of Completion is available at the locations identified below under “Where to Find Information”.

#### Completion of Project

The site was previously the location of a gas station. Remedial actions previously implemented at the site included removal of several underground petroleum storage tanks, removal of fuel pumping islands, and excavation and off-site disposal of contaminated soils. A site-wide cover system, consisting of clean soil, concrete and asphalt paving, was constructed to prevent exposure to contamination remaining at the site. The cover system was constructed during the redevelopment of the site as a bank, which opened in 2008.

The objectives of the remedial program have been met by the actions conducted. The excavations that occurred removed the most heavily impacted soils at the site, and thus should limit the potential for contamination of groundwater. Exposure to remaining contamination at the site will be prevented by the cover system and the Site Management Plan.

**Brownfield Cleanup Program:** New York’s Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:  
[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

The Site Management Plan requires maintenance of the cover system and periodic sampling of groundwater. It also includes an excavation work plan, which defines how future excavations at the site must be conducted and requires that a periodic certification be provided to the NYSDEC stating that the remedy is in place and effective.

#### Institutional Controls/Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. An *institutional*

*control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

The following institutional and/or engineering controls have been put in place on the site:

- a site-wide cover system, consisting of concrete, asphalt or at least one foot of clean soil;
- an environmental easement, which restricts future use of the site to commercial usage.

### **Next Steps**

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report submitted by the applicant. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that cleanup requirements have been achieved for the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

With its receipt of a Certificate of Completion, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

### **Background**

The Ciabattoni Property is a 0.23 acre parcel located at 153 South Liberty Drive in a suburban area. Surrounding properties are predominantly residential and commercial. The site was formerly a gas station and service station. The primary contaminants of concern at the site are petroleum-related compounds.

An investigation of the site was performed by the Applicant in 2008 and 2009, which is documented by the Remedial Investigation Report dated March 2010. The report found that site soils and groundwater are contaminated by petroleum; however, much of the heaviest contamination was removed by previous remedial actions, and the remaining contaminants continue to naturally degrade. The site and a surrounding property were recently developed as a bank. During the development a site-wide cover system was constructed to prevent exposure to remaining contamination. The remedy for the site is described in the Remedial Action Work Plan dated June 2010. The remedy relied on the actions described above and required an environmental easement be placed on the property and that a Site Management Plan be developed.

## FOR MORE INFORMATION

### Where to Find Information

Project documents are available at the following location(s) to help the public stay informed. These documents include the Notice of the Certificate of Completion.

Rose Memorial Library  
79 East Main Street  
Stony Point, NY 10980  
Phone: 845-786-2100  
Hours: Mon.: – Thurs.: 10 AM – 9 PM  
Fri. & Sat.: 10 AM – 5 PM  
Sunday: 1 PM – 5 PM

NYSDEC Region 3 Headquarters  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
Phone: 845-256-3154  
Hours: Mon. – Fri.: 8:30 AM – 4:45 PM  
Call for Appointment

### Who to Contact

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

Joshua Cook  
NYS Dept. of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7014  
1-866-520-2334  
[jpcook@gw.dec.state.ny.us](mailto:jpcook@gw.dec.state.ny.us)

#### Site-Related Health Questions

Nathan Walz  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
547 River Street  
Troy, NY 12180-2216  
1-800-458-1158 ext 27880

**If you know someone who would like to be added to the site contact list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

