DECISION DOCUMENT

Utility Platers, Inc./Kingston Diagnostics
Brownfield Cleanup Program
Kingston, Ulster County
Site No. C356035
August 2010

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

DECLARATION STATEMENT - DECISION DOCUMENT

Utility Platers, Inc./Kingston Diagnostics
Brownfield Cleanup Program
Kingston, Ulster County
Site No. C356035
August 2010

Statement of Purpose and Basis

This document presents the remedy for the Utility Platers, Inc./Kingston Diagnostics site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and 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 Utility Platers, Inc./Kingston Diagnostics 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 cover to allow for restricted residential use of the site (which also allows for commercial use). The cover will consist either of the structures such as buildings, pavement, sidewalks comprising any site development, or a soil cover in areas where the upper two feet of exposed surface soil exceed the restricted residential SCOs. Where the soil cover is required, it will be a minimum of two feet in thickness and will meet the restricted residential SCOs for cover material as set forth in 6NYCRR Part 375-6.8(d). The soil cover will be placed over a demarcation layer. The upper six inches of the soil be of sufficient quality to maintain a vegetation layer. Non-vegetated areas (buildings, roadways, parking lots, etc.) will be covered by a newly installed paving system or concrete at least six inches in thickness.

2. Installation and maintenance of a monitoring well network. Monitoring wells will be used to monitor groundwater to document that the contaminant levels in groundwater continue to decline or if not declining trigger the need for additional in-situ treatment.

3. All buildings constructed on the site will be required to have sub-slab depressurization systems integrated into their foundation designs to prevent potential vapor intrusion.

4. Imposition of an institutional control in the form of an environmental easement for the defined BCP site property that:

- 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);

- subject to local zoning laws, allows the use and development of the controlled property for restricted residential use (which also allows for commercial use);
- 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;
- prohibits agriculture or vegetable gardens on the controlled property; and
- requires compliance with the Department approved Site Management Plan.

5. 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 Pan 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;

(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 mitigate vapor intrusion for any buildings developed on the site and maintain the mitigation systems.

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 31, 2010

Date

Robert W. Schick, Director
Remedial Bureau C

DECISION DOCUMENT

Utility Platers, Inc./Kingston Diagnostics
Kingston, Ulster County
Site No. C356035
August 2010

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

Location Description: The Utility Platers/ Kingston Diagnostics site is approximately 1.73 acres and is located at 416 Washington Avenue/167 Schwenk Drive, Kingston, Ulster County, NY.

Predominant Site Features: The site previously contained a single story (slab on grade) manufacturing building in poor, deteriorating condition and a single story office building with a partial basement in fair condition, which were demolished in September 2009.

Current Use: The site currently contains a CVS building.

Surrounding Uses: The area surrounding the site is predominantly commercial. The site is bordered on the north by Schwenk Drive. A bus terminal is located to the south, with North Front Street further south. The eastern portion of the site is bordered by Frog Alley and the western side of the site is bordered by Washington Avenue.

Historical Source(s) of Contamination: Utility Platers operated on the site as a metal plating

facility beginning in 1962. Prior to 1962, this property reportedly operated as a gasoline service station.

Operable Units: The site is currently being managed as a single operable unit. The site was subject to a soil removal interim remedial measure and other remedial elements (e.g., cover system, sub-slab depressurization system) have since been constructed and will be documented in a Final Engineering Report.

Site Geology and Hydrogeology: The overburden soils at the site can be characterized as light brown fine-medium sand with traces of silt and gravel. A silty clay layer has been consistently encountered between six and eight feet below grade surface across the study area. The groundwater at the site flows from southwest to northeast across the site. The depth of groundwater ranges from approximately five to fourteen feet below grade.

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 does not pose a significant threat to public health or the environment; 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. 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 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 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

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:

trichloroethene (tce)	cyanides(soluble cyanide salts)
cadmium	dichloroethylene
chromium	vinyl chloride

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.

Soil Excavation

Between October and November 2009 approximately 3,000 cubic yards of soil were excavated and removed from the site for disposal at a permitted off-site facility. Three underground storage tanks (USTs) were also cleaned and contents removed for off-site disposal. Following the excavation and UST removals, a demarcation layer was installed and the excavation area was backfilled with clean imported fill material. A sub-slab depressurization system (SSDS) was also installed in the newly constructed on-site building. The SSDS will continue to operate to prevent soil vapor contamination from entering the on-site building.

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.

Residual site contamination was covered by clean soil, pavement, and/or buildings so public exposures to subsurface contamination are not expected. Exposure to contaminated groundwater is not expected because public water serves the area. A sub slab depressurization system was installed in the on-site building to prevent soil vapor intrusion.

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.

Nature and Extent of Contamination: Based upon the remedial investigation, the primary contaminants of concern at the site include petroleum; volatile organic compounds (VOCs), including chlorinated solvents; semi-volatile organic compounds (SVOCs); and metals. The metals chromium, copper, nickel, and cadmium were detected in the soil at levels exceeding soil cleanup objectives for restricted residential use (743 parts per million (ppm), 809 ppm, 641 ppm, and 10.7 ppm, respectively). The contamination, however, has been significantly reduced/removed since much of the contaminated soil was excavated during the interim remedial measure (IRM) conducted at the site in 2009. Prior to the IRM, VOCs including 1,2,3-trimethylbenzene, ethylbenzene, o-xylene, trichloroethylene, 1,1,1-trichloroethane, and vinyl chloride were detected in groundwater above applicable SCGs (6 parts per billion (ppb), 12 ppb, 7 ppb, 30,000 ppb, 12 ppb, and 28 ppb, respectively), however, current data indicates generally low levels approaching the SCG of 5 ppb for each.

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 Figure2, are as follows:

1. A site cover to allow for restricted residential use of the site (which also allows for commercial use). The cover will consist either of the structures such as buildings, pavement, sidewalks comprising any site development, or a soil cover in areas where the upper two feet of exposed surface soil exceed the restricted residential SCOs. Where the soil cover is required, it will be a minimum of two feet in thickness and will meet the restricted residential SCOs for cover material as set forth in 6NYCRR Part 375-6.8(d). The soil cover will be placed over a demarcation layer. The upper six inches of the soil be of sufficient quality to maintain a vegetation layer. Non-vegetated areas (buildings, roadways, parking lots, etc.) will be covered by a newly installed paving system or concrete at least six inches in thickness.

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- requires compliance with the Department approved Site Management Plan.

5. 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:

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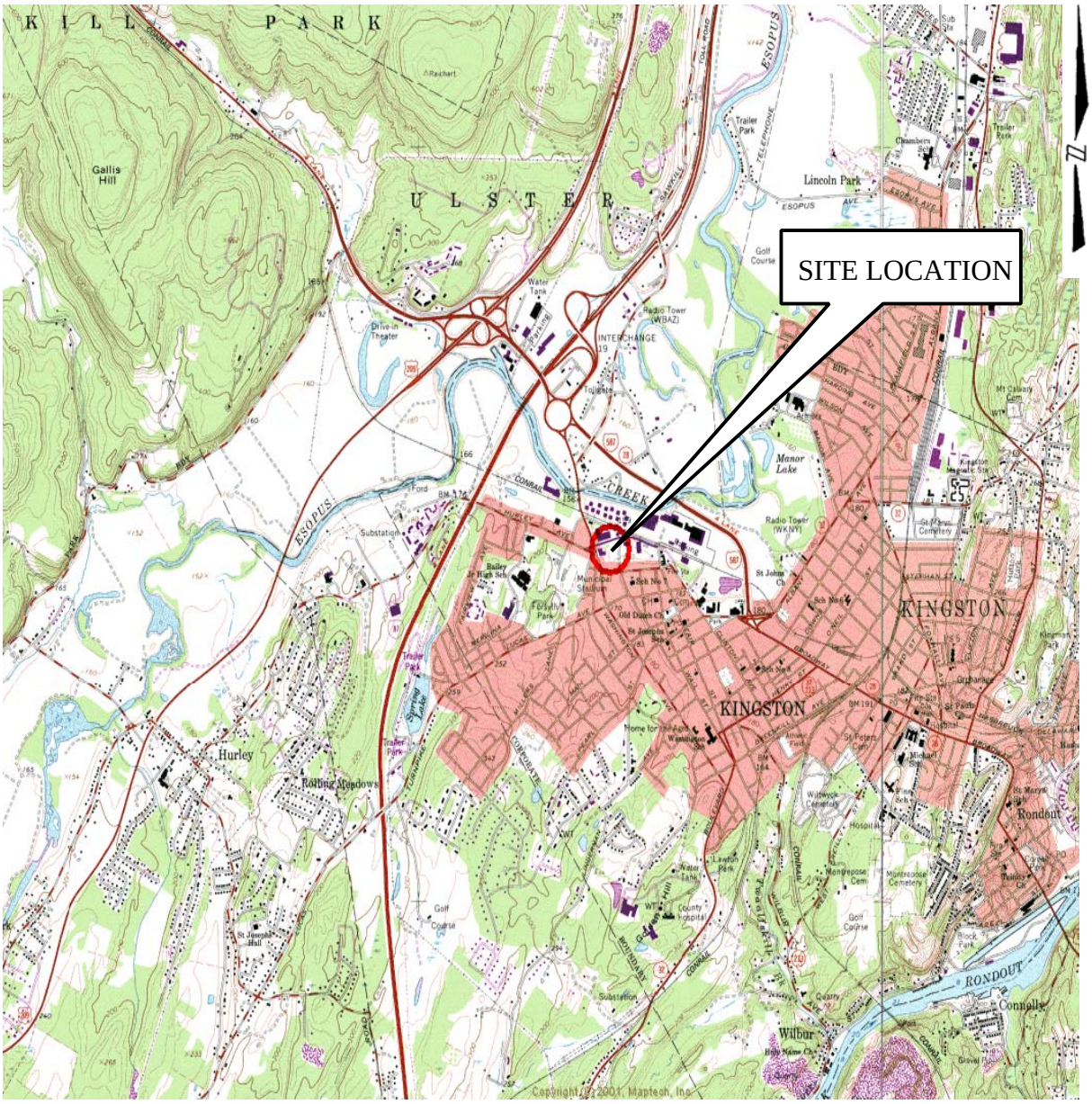
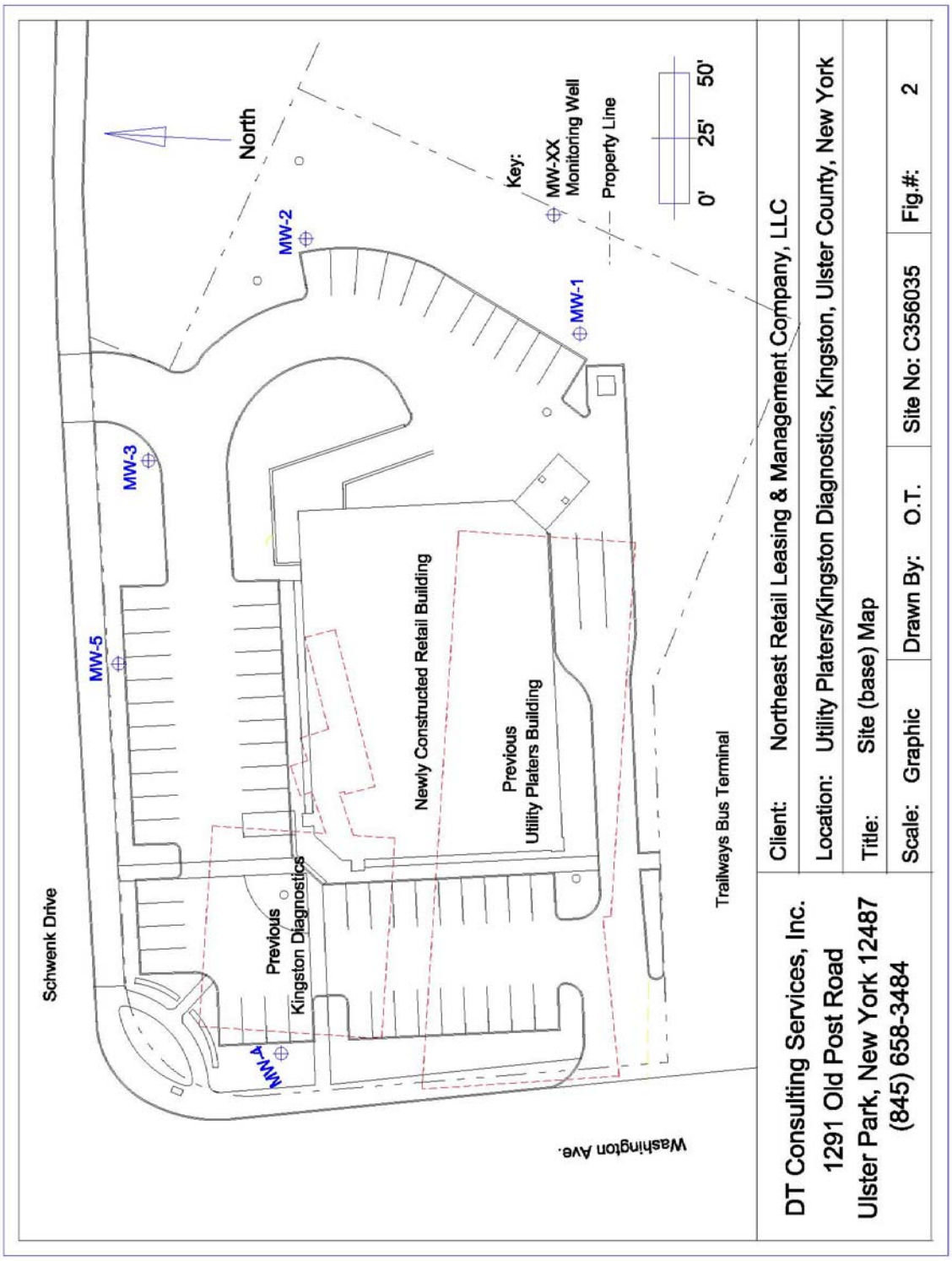


FIGURE 1: Site Location
Utility Platers/Kingston Diagnostics
Site ID #C356035


North
Key:
MW-XX Monitoring Well
Property Line
0' 25' 50'
MW-1
MW-2
MW-3
MW-4
MW-5
Schwenk Drive
Previous Kingston Diagnostics
Newly Constructed Retail Building
Previous Utility Platers Building
Trailways Bus Terminal
Washington Ave.
DT Consulting Services, Inc.
1291 Old Post Road
Ulster Park, New York 12487
(845) 658-3484
Client: Northeast Retail Leasing & Management Company, LLC
Location: Utility Platers/Kingston Diagnostics, Kingston, Ulster County, New York
Title: Site (base) Map
Scale: Graphic
Drawn By: O.T.
Site No: C356035
Fig.#: 2