DECISION DOCUMENT

Former Ogilvie Foods Company
Brownfield Cleanup Program
Watertown, Jefferson County
Site No. C623028
May 2018

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

DECLARATION STATEMENT - DECISION DOCUMENT

Former Ogilvie Foods Company
Brownfield Cleanup Program
Watertown, Jefferson County
Site No. C623028
May 2018

Statement of Purpose and Basis

This document presents the remedy for the Former Ogilvie Foods Company 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 Former Ogilvie Foods Company site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the above referenced site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternatives analysis (AA). The IRM(s) undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment; therefore No Further Action is the selected remedy. The remedy may include continued operation of a remedial system if one was installed during the IRM and the implementation of any prescribed institutional controls/engineering controls (ICs/ECs) that have been identified as being part of the proposed remedy for the site.

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.

May 11, 2018

Date

George Heitzman, Director
Remedial Bureau C

DECISION DOCUMENT

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Watertown, Jefferson County
Site No. C623028
May 2018

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 resulted in threats to public health and the environment that were addressed by actions known as interim remedial measures (IRMs), which were undertaken at the site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternative analysis (AA). The IRMs undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment. The IRM(s) conducted at the site attained the remediation objectives identified for this site, which are presented in Section 6.5, for the protection of public health and the environment. No Further Action is the selected remedy. A No Further Action remedy may include continued operation of any remedial system installed during the IRM and the implementation of any prescribed controls that have been identified as being part of the remedy for the site. This DD identifies the IRM(s) conducted and discusses the basis for No Further Action.

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 in the document repository identified below.

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 repository:

City Hall
245 Washington Avenue
Watertown, NY 13601
Phone: 315-785-7730

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, Voluntary 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 Former Ogilvie Foods site is located at 148 North Pleasant Street in the City of Watertown, Jefferson County. It is in a predominately residential area of the City. The site is bounded by North Pleasant Street to the west, California Avenue to the east, residential properties to the south, and a former railroad line to the north.

Site Features: Historically the site was dominated by factory buildings. These buildings were demolished in 2003 by the City of Watertown. The building foundations and concrete debris were removed from the site in 2014 during the IRM described in detail below to access contaminated soil underneath the building foundation and to aid in redevelopment. Currently, the site is largely covered by vegetation comprised of grass with some trees and shrubs along the perimeter. Portions of the former railroad right-of-way to the north are lined with stone to promote drainage.

Current Zoning/Use: The site is now vacant and was previously used for manufacturing. The site is zoned for light-industrial use. The City of Watertown plans to re-zone street side portions of the site for single-family residential use and the remainder (central portion) of the site for commercial use (green space).

Site History: The site was used for dairy/food operations for over 90 years. The eastern portion of the property was occupied by the National Biscuit Company from the early 1900s until approximately 1960. Ogilvie Foods, Inc. produced whey for the food industry at the site until they closed in the late 1990s.

The site's buildings were demolished in 2003. At that time, several chemical and milk product storage tanks were reportedly removed. After demolition, the site was covered with rock armoring to limit trespassing, help prevent vegetation growth, and allow water to drain more quickly. All building slabs, foundations, and basements were later removed as part of the IRM in 2014.

A rail line also ran along the northern portion of the property beginning in the late 1800s. The former rail bed is now a drainage ditch. The eastern portion of the ditch is reported to remain wet throughout most of the year.

In the winter of 2011, while exploring the site for former building foundations, the City of Watertown DPW crews discovered a 10,000-gallon underground fuel oil storage tank. Discovery of the tank was reported to the Department and was assigned Spill #1010788. The tank was removed as an Interim Remedial Measure (IRM) in 2014. No other tanks were located during the remedial investigation.

Site Geology and Hydrogeology: The site topography is varied, with higher elevations to the south and south-east. Bedrock at the site has been encountered from 2.5 to 16 feet below grade. Groundwater is encountered between 5 and 24 feet below grade and appears to flow to the north or northwest towards the Black River. The soil type is comprised of a mixture of fill and native soil. A majority of soil encountered during the 2014 IRMs was historic fill. The site does not lie in or near a wetland.

A site location map is attached as Figure 1.

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 that restricts the use of the site to residential use (which allows for restricted-residential use, commercial use, and industrial use) as described in Part 375-1.8(g) was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the investigation 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 Remedial Investigation (RI) Report.

SECTION 5: 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 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

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 contaminants of concern identified at this site are:

arsenic	chrysene
benzo(a)pyrene	dibenz[a,h]anthracene
fluoranthene	benzo(b)fluoranthene
indeno(1,2,3-CD)pyrene	benzo[k]fluoranthene
benzo(a)anthracene	xylene (mixed)

Based on the investigation results, comparison to the SCGs, and the potential public health and environmental exposure routes, certain media and areas of the site required remediation. These media were addressed by the IRM(s) described in Section 6.2. More complete information can be found in the RI Report and the IRM Construction Completion Report.

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 IRMs have been completed at this site based on conditions observed during the RI. The IRM Work Plan was approved by the Department in May 2014, with the IRMs completed in August and September 2014.

Concrete and Contaminated Soil Removal:

- Concrete Removal: Beginning in August 2014, building foundations and concrete debris were removed to access contaminated soil underneath and to aid in redevelopment. The concrete debris was disposed of off-site.

- Soil Excavation: Approximately 652 tons of petroleum contaminated soil and 146 tons of PAH and arsenic contaminated soil were removed from the parcels along California Avenue and North Pleasant Street to achieve the residential SCOs. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) was brought in to backfill the excavations and establish the designed grades at the site. All excavated soil was disposed of at a permitted facility.

Site Cover:

A soil cover was established in the central portion of the site (approximately 1.5 acres) and over the former railroad right-of-way and the former UST vault to address low level

contaminated soil remaining in these areas and allow for commercial use/green space. The cover consists of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The IRM was completed in September 2014 and is documented in the Final Engineering Report.

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.

Remediation at the site has been completed through IRMs. Prior to remediation, the primary contaminants of concern were xylenes, semi-volatile organic compounds (SVOCs), and arsenic in soil. Based on the results of the remedial investigation there are no off-site impacts in soil or groundwater related to this site.

Remedial actions have successfully achieved soil cleanup objectives (SCOs) for residential use in the parcels along North Pleasant Street and California Avenue (see Figure 3). Subsurface soil in the central portion of the site and railroad right-of-way are contaminated with low level SVOCs at two locations. Surface soil sample SS-03, located along the former railroad right-of-way had a detection of 1.9 mg/kg benzo(a)pyrene which exceeds the Commercial SCO of 1.0 mg/kg. Subsurface confirmatory sample USTWall-02, located on the central portion of the Site also detected benzo(a)pyrene at 1.7 mg/kg. The low level contamination is being managed through use of a soil cover and institutional controls (see Figure 4).

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*.

Since some contaminated soils remain at the site below clean backfill, people will not come in contact with contaminated soils unless they dig below the surface materials. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination.

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.

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.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

Based on the results of the investigations at the site, the IRMs that were performed, and the evaluation presented here, the Department is proposing No Further Action with Institutional and Engineering Controls as the remedy for the site. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

The elements of the IRM already completed and the institutional and engineering controls are listed below:

1. Soil Excavation

Surface and subsurface soils from the parcels along North Pleasant Street and California Avenue that exceeded residential SCOs, as defined by 6 NYCRR Part 375-6.8, or exhibited visual or olfactory signs of contamination were excavated and transported offsite for disposal. Approximately 800 tons of soil were removed. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) was brought in to replace the excavated soil and establish the designed grades at the site.

2. Site Cover

A site cover currently exists over the central portion of the site and the former railroad right-of-way and will be maintained to allow for commercial use of those areas. Any site redevelopment will maintain the existing site cover. The site cover may include paved surface parking areas, sidewalks or soil where the upper one foot of exposed surface soil meets the applicable soil cleanup

objectives (SCOs) for commercial use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6NYCRR Part 375-6.7(d).

3. Institutional Controls

Imposition of an institutional control in the form of an environmental easement for the central portion and former right-of-way of 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 central portion and former railroad right-of-way of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws; and
- require compliance with the Department approved Site Management Plan.

4. Site Management Plan (SMP)

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 3, above.

   Engineering Controls: The site cover discussed in Paragraph 2, 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;
   - descriptions of the provisions of the environmental easement including any land 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.

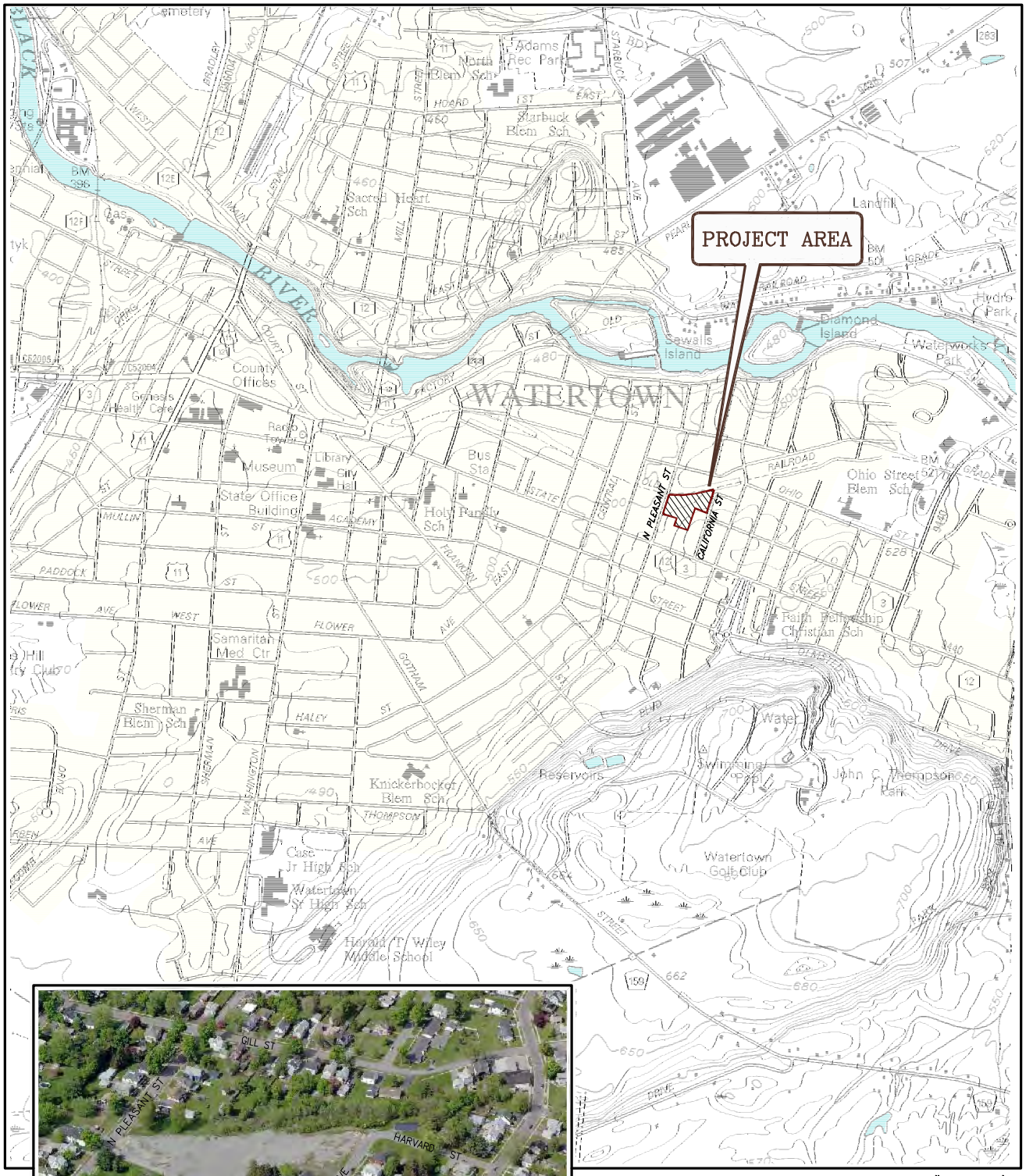

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FIGURE 1. SITE LOCATION MAP

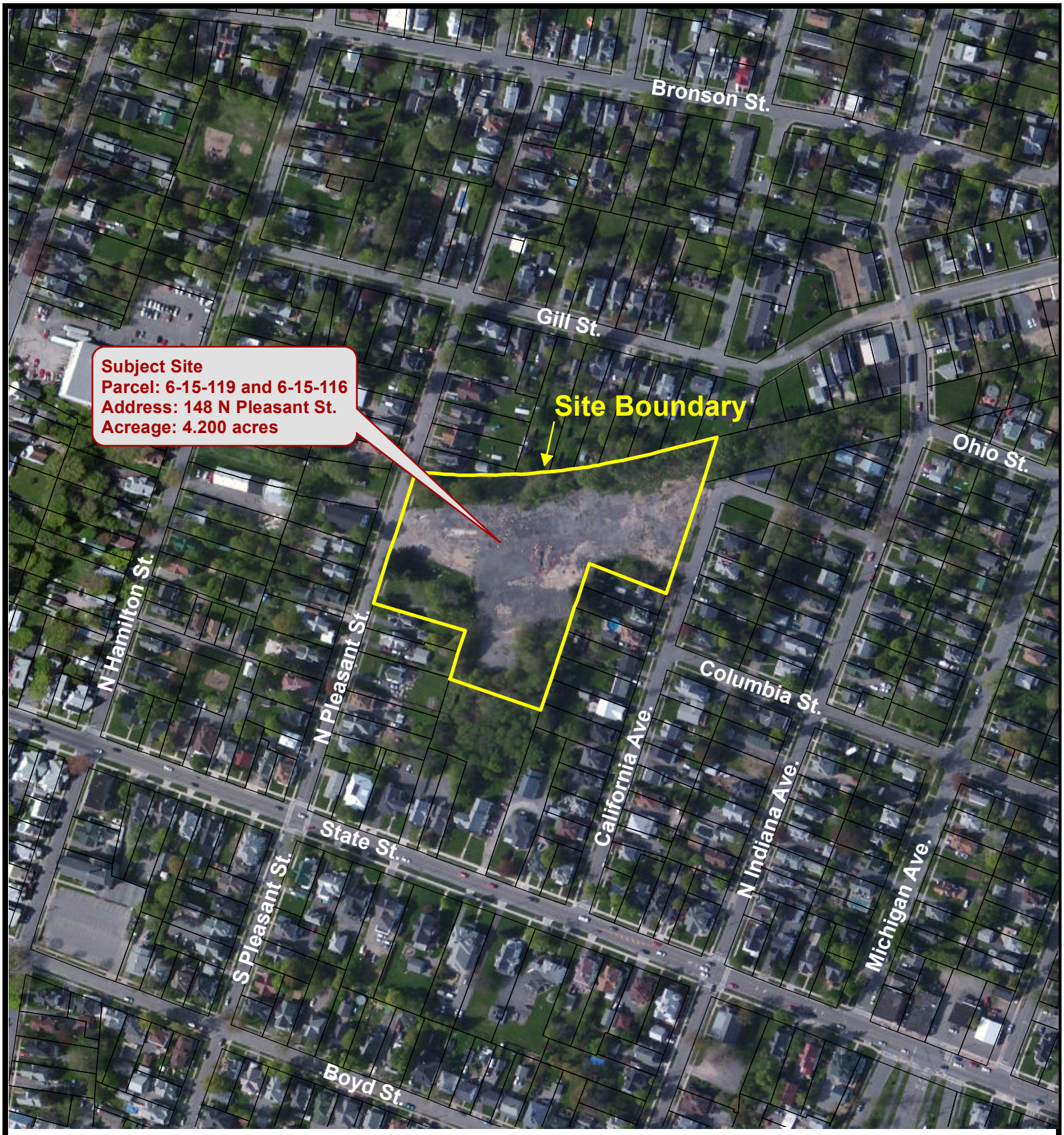
CITY OF WATERTOWN

148 PLEASANT STREET NORTH (fmr. Ogilvie Foods)
WATERTOWN | JEFFERSON COUNTY | NEW YORK

Lu P.N. 34211

DATE:	JANUARY 2012
SCALE:	1:24,000
DRAWN BY:	DLS

MAP SOURCE: NYS DOT RASTER QUADRANGLE; WATERTOWN / NEW YORK, JEFFERSON COUNTY
DOT EDITION DATE: 1996 / USGS CONTOUR DATE: 1959



N
W E
S

0 60 120 240 360 480
Feet

Figure 2 - Site Plan

Former Ogilvie Foods
Site No. C623028

City of Watertown
Jefferson County

NEW YORK STATE OF OPPORTUNITY
Department of Environmental Conservation

ENTIRE CONCRETE SLAB, FOUNDATION, AND FOOTER (ENTIRE FOOTPRINT) DEMOLISHED, CRUSHED INTO MANAGEABLE PIECES AND REMOVED FROM SITE.

4 SANITARY MANHOLES REMOVED

CUT AND CAPPED STORM SEWER

ASPHALT REMOVED AND DISPOSED OF OFF SITE

REMOVED 2 CATCHBASINS

APPROX. LOCATION OF FORMER HOUSE FOUNDATION & BASEMENT REMOVED

10,0000-GALLON UST REMOVED

ENTIRE CONCRETE SLAB, FOUNDATION, AND FOOTER (ENTIRE FOOTPRINT) DEMOLISHED, CRUSHED INTO MANAGEABLE PIECES AND REMOVED FROM SITE.

Former Railroad Right-Of-Way

B-1 B-2 B-3 B-4 B-5 B-6 B-7 B-8 B-9 B-10 B-11 B-12 B-13 B-14 B-15 B-16 B-17 B-18 B-19 B-20 B-21

NORTH PLEASANT STREET

CALIFORNIA AVENUE

COLUMBIA ST

Legend

- Slab Perforation
- Silt Fence (temporary)
- Asphalt
- Concrete
- Approximate area covered with shot rock (min 1 ft)
- DPW Test Pit (2011)
- Proposed Residential Parcels
- Tax Parcel Line
- UST
- Site Boundary

N

0 30 60 120 Feet

DATE: FEBRUARY 2015

SCALE: 1 inch = 60 feet

DRAWN/CHECKED: CSB/GLA/ED

DATA SOURCE:
NYS GIS CLEARINGHOUSE
2011 ONE FT 4 BAND CENTRAL ZONE INDEX ORTHOIMAGERY

FIGURE 3 - SLAB & FOUNDATION AS-BUILT PLAN
FORMER OGILVIE FOODS SITE # C623028
148 PLEASANT STREET NORTH
WATERTOWN, JEFFERSON COUNTY, NY

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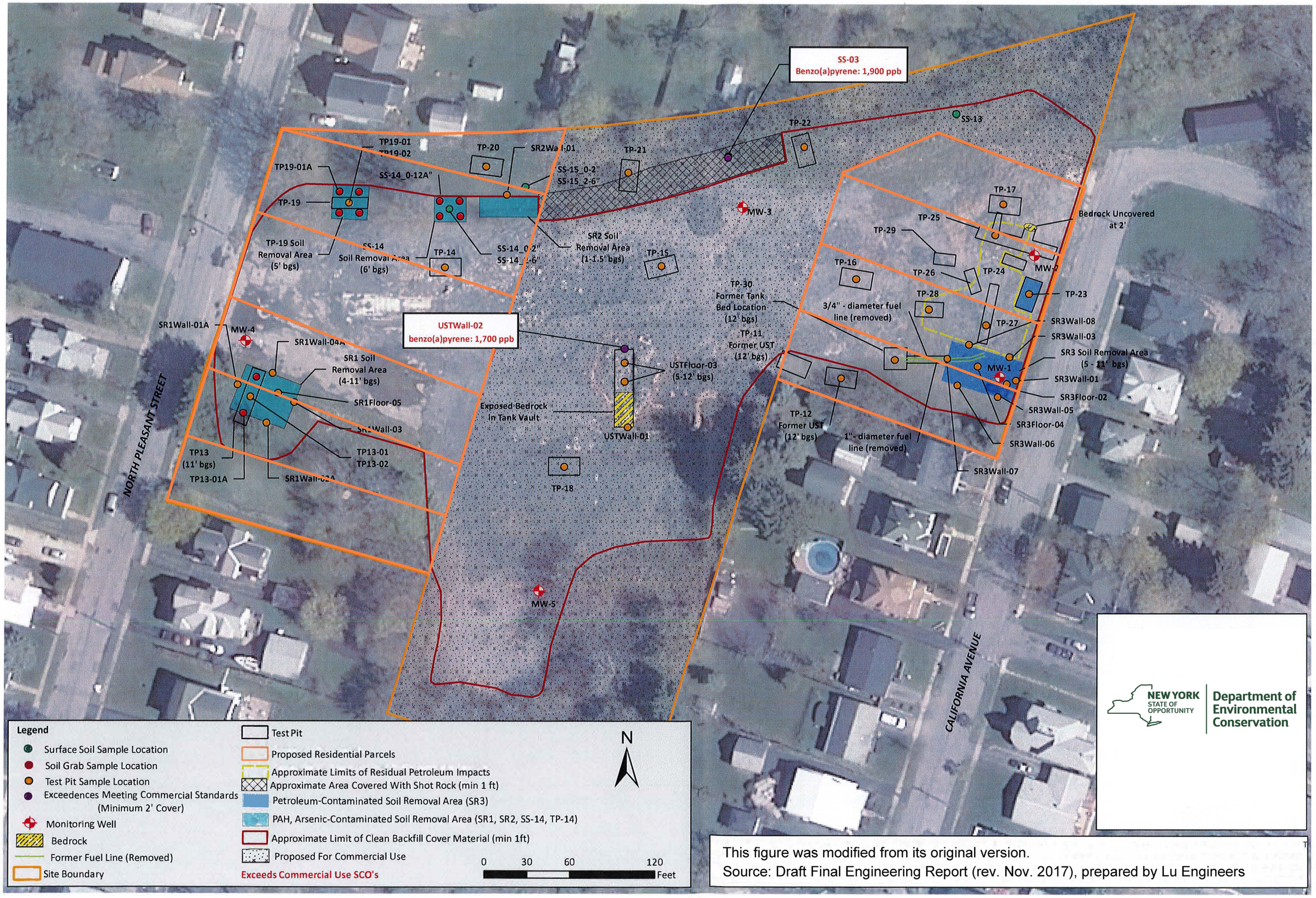

This figure was modified from its original version.
Source: Draft Final Engineering Report (rev. Nov. 2017), prepared by Lu Engineers

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

DATE: FEBRUARY 2015

SCALE: 1 inch = 60 feet

DRAWN/CHECKED: CSB/ED/GLA

DATA SOURCE:
NYS GIS CLEARINGHOUSE
2011 ONE FT 4 BAND CENTRAL ZONE INDEX ORTHOIMAGERY

FIGURE 4 - ADDITIONAL INVESTIGATION AND INTERIM REMEDIAL MEASURES SAMPLE LOCATION & AS-BUILT PLAN
FORMER OGILVIE FOODS SITE # C623028
148 NORTH PLEASANT STREET
WATERTOWN, JEFFERSON COUNTY, NY

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