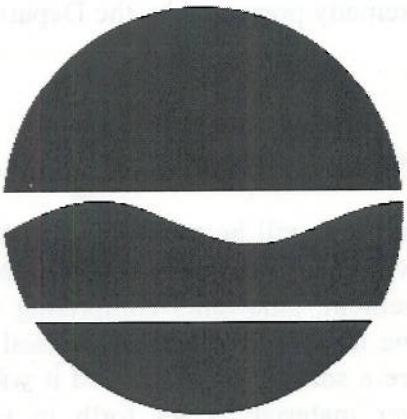
DECISION DOCUMENT

Auburn Community Hotel Project
Brownfield Cleanup Program
Auburn, Cayuga County
Site No. C706017
December 2012



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

DECLARATION STATEMENT - DECISION DOCUMENT

Auburn Community Hotel Project
Brownfield Cleanup Program
Auburn, Cayuga County
Site No. C706017
December 2012

Statement of Purpose and Basis

This document presents the remedy for the Auburn Community Hotel Project 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 Auburn Community Hotel Project 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. A site cover currently exists and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is required it will be a minimum 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 upper six inches of the soil will be of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

2. Imposition of an institutional control in the form of an environmental easement for the controlled 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);
- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts 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;
- requires compliance with the Department approved Site Management Plan.

3. 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 2 above.

Engineering Controls: The soil cover was discussed in paragraph 1 and positive pressure building HVAC system-Positive pressure will be maintained within the interior environment within the first floor of all existing and future buildings on the site. The design and system performance requirements will be in accordance with manufacturer's specifications and applicable regulations and/or guidance.

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 and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- 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.

b. An Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:

. maintaining site access controls and Department notification;
. providing the Department access to the site and O&M records; and
. continued maintenance and operation of the building HVAC System-Positive pressure system in order to maintain positive pressure within the interior environment of the first floor of all existing and future buildings.

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.

12/3/12
Date

William Daigle, Director
Remedial Bureau D

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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: 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 repositories:

Seymour Public Library
176-178 Genesee St.
Auburn, NY 13021
Phone: (315) 252-2571

City of Auburn Planning and Economic Development Office
Attn: Stephen Selvek
24 South State Street
Auburn, NY 13201
Phone: (315) 255-4115

NYSDEC Region 7 Office
Attn: Kevin Kelly, P.E.
615 Erie Boulevard West
Syracuse, NY 13204
Phone: (315) 426-7421

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 Auburn Community Hotel Project is located on State and Water Streets in downtown Auburn, Cayuga County. The site is approximately 2.65 acres in size.

Site Features:

The site is bounded by the Owasco River to the north and East,Rte 38 on the west and the Loop Road on the south. The most prominent site feature is the new Hilton Garden Hotel building complex.

Current Zoning/Use(s):

The site and surrounding parcels are zoned for commercial use. The surrounding parcels are zoned for commercial use. The nearest residential area is about 0.5 miles north on Route 38.

The site is now occupied by the new Hilton Garden Hotel. The site is completely covered by the new buildings, pavement and clean fill.

Historic Use(s):

The site once contained buildings where a variety of businesses operated. These included service stations and a dry cleaner. All historic structures have since been demolished.

Site Geology and Hydrogeology:

The unconsolidated deposits at the site consist of surficial fill, silt, sand, gravel, and glacial till. The sand and gravel units appear to be the main water-bearing units at the site.
Bedrock was encountered at depths of 14 to 22 feet below the ground surface.
The groundwater table is 5-12 feet below the ground surface. Groundwater flows generally in a westerly to northwesterly direction, parallel to the flow direction of the Owasco River with a minor local depression in the area of monitoring well MW-7

10/4/12-DEC signed the Environmental Easement for this site.

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, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use 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(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do 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 contaminant(s) of concern identified at this site is/are:

BENZO(A)PYRENE	CHROMIUM
MERCURY	BENZO(B)FLUORANTHENE
TETRACHLOROETHYLENE (PCE)	BENZO[K]FLUORANTHENE
ARSENIC	

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil
- soil vapor intrusion

6.2: Interim Remedial Measures

SCGs for unrestricted use were exceeded in site soils and groundwater.

For site groundwater, the contaminant of concern is PCE. PCE was found in one well, MW6 at 7ppb which exceeds the Class GA standard of 5 ppb. PCE was not detected in site groundwater at the downgradient boundaries.

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*.

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by site-related contamination. People are not likely to come into contact with site-related soil or groundwater contamination unless they dig into the subsurface soils that exist below the building, pavement, or landscaping that covers the site. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The potential exists for people to inhale site contaminants in indoor air due to soil vapor intrusion for any future on-site redevelopment and occupancy.

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.

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 RI.

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.

Nature and Extent of Contamination:

The site Remedial Investigation revealed the presence of low concentrations of Volatile Organic Compounds (VOC)s, Semi-volatile Organic Compounds (SVOCs) and metals in site soils. Some site soils may present a direct contact threat. Soil vapor may have an impact on site buildings.

SCGs for protection of groundwater or commercial use were exceeded in site soils. However, these exceedances are minimal and site borings show that these exceedances are not wide spread.

The VOCs detected in soil were acetone, detected in one sample at 59 ppb which is above the unrestricted soil cleanup objective (SCO) of 50, and methylene chloride detected in one sample at 96 ppb – above the unrestricted SCO of 50, which also represent the protection of groundwater SCOs. No VOCs were detected above the commercial SCOs.
For semi-volatile organic compounds (SVOCs), Boring BH-5 had concentrations as high as 7000 ppb for benzo(a)anthracene, which is above the commercial SCO of 1000. Boring BH-15 had exceedances of SCOs with concentrations as high as 1300 ppb for benzo(b)fluoranthene, which is above the commercial SCO of 1000. Boring BH-23 had exceedances of SCOs concentrations as high as 1100 ppb for Benzo(a)pyrene, which is above the commercial SCO of 1000. BH-27 had exceedances of SCOs concentrations as high as 4600 ppb for benzo(b)fluoranthene which is above the commercial SCO of 1000. However, these borings are surrounded by other site borings that do not exceed the SCOs, indicating that the contamination is isolated.

For inorganics 30 of the 52 borings exceeded unrestricted SCOs for metals. 4 of the 52 borings exceeded the commercial SCO for arsenic (as high as 21.1 ppm vs the 16 ppm Commercial SCO). One boring exceeded the commercial SCO for Barium (420 ppm vs the 400ppm commercial SCO).

Chromium was detected as high as 23.6 ppm and exceeded the 19 ppm SCO (based on protection of groundwater) in 3 borings.
Mercury was detected as high as .81 ppm and exceeded the .73 ppm SCO (based on protection of groundwater) in 2 borings.
Again, these borings are surrounded by other site borings that do not exceed the SCOs, indicating that the contaminants are isolated.

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.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

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 Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Institutional Controls remedy.

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

1. A site cover currently exists and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is required it will be a minimum 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 upper six inches of the soil will be of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

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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;
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- 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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. maintaining site access controls and Department notification;
. providing the Department access to the site and O&M records; and
. continued maintenance and operation of the building HVAC System-Positive pressure system in order to maintain positive pressure within the interior environment of the first floor of all existing and future buildings.