

# **Auburn Community Hotel Site Brownfield Cleanup**

City of Auburn  
Cayuga County, New York

## **Final Engineering Report**

**NYSDEC BROWNFIELD SITE #C706017**

Prepared for  
**Auburn Community Hotel, LP**

By



C&S Engineers, Inc.  
499 Col. Eileen Collins Blvd.  
Syracuse, New York 13212

November 2012

## CERTIFICATIONS

I, Robert N. Duclos, am currently a registered professional engineer licensed by the State of New York. I had primary direct responsibility for implementation of the remedial program activities, and I certify that the Remedial Action Work Plan was implemented and that all construction activities were completed in substantial conformance with the Department-approved Remedial Action Work Plan.

I certify that the data submitted to the Department with this Final Engineering Report demonstrates that the remediation requirements set forth in the Remedial Action Work Plan and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established in for the remedy.

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by Department.

I certify that all documents generated in support of this report have been submitted in accordance with the DER's electronic submission protocols and have been accepted by the Department.

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable and have been accepted by the Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Robert N. Duclos, of 499 Colonel Eileen Collins Blvd., Syracuse, NY, 13212, am certifying as Owner's Designated Site Representative for the site.



Signature: \_\_\_\_\_

Engineer: Robert N. Duclos, P.E.

Registration Number: 070428

State: New York

Date: \_\_\_\_\_

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## LIST OF ACRONYMS

ASP	Analytical Services Protocol
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
C/D	Construction / demolition
CFR	Code of Federal Regulations
COC	Certificate of Completion
CVOC	Chlorinated volatile organic compound
DCE	Dichloroethene
DER	Division of Environmental Remediation
EC	Engineering control
ECL	Environmental Conservation law
IC	Institutional control
IRM	Interim Remedial Measure
NYCRR	New York Codes Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
PCB	Polychlorinated biphenyls
PCE	Tetrachloroethene (aka perchloroethene)
PID	Photoionization detector
POTW	Publicly Owned Treatment Works
RI	Remedial Investigation
SMP	Site Management Plan
SoMP	Soil Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TCE	Trichloroethene
VC	Vinyl chloride
VOC	Volatile organic compound

# FINAL ENGINEERING REPORT

## 1.0 BACKGROUND AND SITE DESCRIPTION

Auburn Community Hotel, LP entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) in December 2010, to investigate and remediate a 2.2-acre property located in Auburn, New York. The property was remediated to commercial use and will be used for a mid-rise hotel.

The site is located at 74 State Street in the City of Auburn, County of Cayuga, New York and comprises Tax Map # 115.52-1-81. Prior to being merged into one parcel, the site was comprised of the following four parcels:

- 76 - 78 State Street, tax parcel 71 and 82, situated on approximately 1.2 acres, and previously occupied by a 13,000-square foot vacant building (former T&K Lumber Company).
- 25 - 27 Water Street, tax parcel 84, consisting of 0.27 acres of vacant land.
- 72 State Street, tax parcel 70, 0.45 acres formerly occupied by a 45,000-square foot three-story structure used as a restaurant and apartments. At the onset of the BCP, the majority of this structure was unoccupied.
- A portion of Water Street (approx. 0.28 acres) which the City of Auburn has conveyed to Auburn Community Hotel, L.P.

Figure 1 illustrates situation of the site on the east side of State Street (NY Route 38), bisected by Water Street, and between the east and west bound lanes of NY Routes 5 & 20 in the City of Auburn, New York. The Owasco Lake Outlet borders the property along the northern property line. The boundaries of the site are fully illustrated in Appendix A: Survey Map, Metes and Bounds.

An electronic copy of this FER with all supporting documentation is included as Appendix B.

## 2.0 SUMMARY OF SITE REMEDY

### 2.1 REMEDIAL ACTION OBJECTIVES

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site.

#### 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.

#### 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.



## **2.2 DESCRIPTION OF SELECTED REMEDY**

The site was remediated in accordance with the remedy selected by the NYSDEC in the Decision Document dated December 2012. The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

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 soil may exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is present 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(b) 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). While not a project requirement, Auburn community Hotel LP also installed a vapor barrier between the compacted sub-base and the slab-on-grade under the site structures.
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. Positive air pressure will be provided and maintained within the interior environment within the first floor of all existing and future buildings on the site. The designs 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. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- monitoring of the HVAC system for maintenance of positive building pressures, as required by the Institutional and Engineering Control Plan discussed in item a. above;
  - monitoring of paved and concrete surfaces, the soil cover system, and waste storage areas; and
  - a schedule of monitoring and frequency of submittals to NYSDEC.

### 3.0 INTERIM REMEDIAL MEASURES, OPERABLE UNITS AND REMEDIAL CONTRACTS

During implementation of the RI, limited actions to remove petroleum-impacted soils and subsurface structures were undertaken following consultation with the on-site NYSDEC representative. These actions, which did not constitute a formal IRM, were associated with a hydraulic lift, and were documented in the RI/RAA Report. Disposal documents for the 23.6 tons of impacted materials were provided in Appendix F of that report.

The remedy for this site was performed as a single project, and no interim remedial measures, operable units or separate construction contracts were performed.

### 4.0 DESCRIPTION OF REMEDIAL ACTIONS PERFORMED

Limited remedial actions, not conducted as formal IRMs, are described in the preceding Section. Remedial activities completed at the Site were consistent with the NYSDEC-approved Remedial Action Work Plan (RAWP) for the Auburn Community Hotel Site

(December 2012). In addition to the remedial actions outlined in the RAWP, a vapor barrier was installed between the dynamically compacted soil materials remaining following demolition of the former site structures and the fill materials imported during construction of the redeveloped site structures.

#### **4.1 CONTAMINATION REMAINING AT THE SITE**

As identified and discussed in Section 4 (Nature and Extent of Contamination) and Section 5 (Human Health Risk Assessment) of the RI/RAA Report, subsurface soil contaminants at the Auburn Community Hotel BCP site include:

- VOCs, SVOCs, pesticides, and inorganic parameters at levels exceeding Unrestricted Use Soil Cleanup Objectives (SCOs)<sup>1</sup>; and
- SVOCs and inorganic parameters at levels that also exceeded the Commercial Use SCOs.

With respect to groundwater:

- Benzene was detected at 1.5 µg/L in the February 2011 sample from MW-3 (Class GA Groundwater Standard for benzene is 1 µg/L);
- Tetrachloroethene (PCE) was detected at 7 µg/L in the July 2011 sample from MW-6 (Class GA groundwater Standard for PCE is 5 µg/L);
- Four inorganic parameters (iron, manganese, magnesium, and sodium) were detected at levels exceeding Class GA Groundwater Standards in groundwater monitoring well samples; and
- PCB Aroclor 1254 was detected at 0.16 µg/L in the July 2011 sample collected from monitoring well MW-2 (Class GA groundwater Standard for total PCBs is 0.09 µg/L).

The locations and detections outlined above are presented in Figure 2. It should be noted that the detected presence of benzene and PCB Aroclor 1254 in groundwater samples did

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<sup>1</sup> 6 NYCRR Subpart 375-6: Remedial Program Soil Cleanup Objectives

not occur at those same locations (monitoring wells MW-2 and MW-3) during the other round of groundwater sampling at those same monitoring wells.

Since contaminated soil and groundwater remain beneath the site after completion of the Remedial Action, Institutional and Engineering Controls are required to protect human health and the environment. These Engineering and Institutional Controls (ECs/ICs) are described in the following sections. Long-term management of these EC/ICs and residual contamination will be performed under the Site Management Plan (SMP) approved by the NYSDEC.

## **4.2 SOIL COVER SYSTEMS**

Exposure to remaining contamination in soil/fill at the site is prevented by cover systems placed over the site. The cover system for landscaped and lawn areas is comprised of a minimum of 12 inches of clean granular fills and topsoil. Other cover systems include asphalt pavement, concrete-covered sidewalks, and concrete building slabs. Figure 2 shows the location of each cover type built at the Site. A Soil Management Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in Section 3.4 of the SMP.

## **4.3 OTHER ENGINEERING CONTROLS**

Since remaining contaminated soil and groundwater exist beneath the site, Engineering Controls (EC) are required to protect human health and the environment. The site has the following primary Engineering Controls, as described in the following subsections.

- *Vapor Barrier* - A vapor barrier was installed between compacted sub-base materials and the slab-on-grade floor beneath the redeveloped site structures. This vapor barrier, while not a project requirement, provides additional vapor protection for the new structures.
- *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 designs and system performance requirements will be

in accordance with manufacturer's specifications and applicable regulations and/or guidance. The roof-mounted ventilation fans in the forced air HVAC system maintain positive first-floor indoor air pressure by over-balancing the system intake fans with respect to system exhaust fans. Initial operation of the HVAC system was tested and certified by a design professional at four separate first-floor locations, confirming positive indoor pressures via differential air pressure measurements with respect to an outdoor reference. Similar testing will be conducted annually and HVAC system operation will be certified by a professional engineer or a certified environmental professional consistent with the SMP.

- *Public water supply* - The site and surrounding properties receive their domestic water from municipal service connections supplied by the City of Auburn. The source of the municipal water supply is surface water from Owasco Lake. The Environmental Easement contains provisions restricted use of on-site groundwater.
- *Paved and concrete surfaces* - Site cover – The vast majority of surfaces outside of the building footprints are paved or covered with conventional asphalt or concrete. Areas beneath the asphalt and/or concrete pavement received one foot of clean Type 1 or 2 crushed limestone from an approved quarry (i.e., T. H. Kinsella, Hansen).
- *Landscaped Areas* - Areas outside of buildings and paved areas are a combination of clean crushed limestone fill, and/or clean topsoil to a minimum depth of one foot, with a minimum topsoil depth of six inches. The clean crushed limestone fill and/or topsoil will be maintained consistent with the SMP so that there will be no direct contact with pre-existing urban fill material and native soils.

Procedures for monitoring, operating and maintaining each of the Engineering Controls listed above are provided in Section 3.4 (Soil Management Plan) and Section 5 (Operation and Maintenance Plan) of the Site Management Plan (SMP). The Site Monitoring Reporting Plan (Section 6 of the SMP) also requires that inspections be conducted after a severe weather condition has taken place, such as erosion or flooding, that may affect the ECs.

#### **4.4 INSTITUTIONAL CONTROLS**

The site remedy requires that an environmental easement be placed on the property to (1) implement, maintain and monitor the Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development of the site to commercial and industrial uses only.

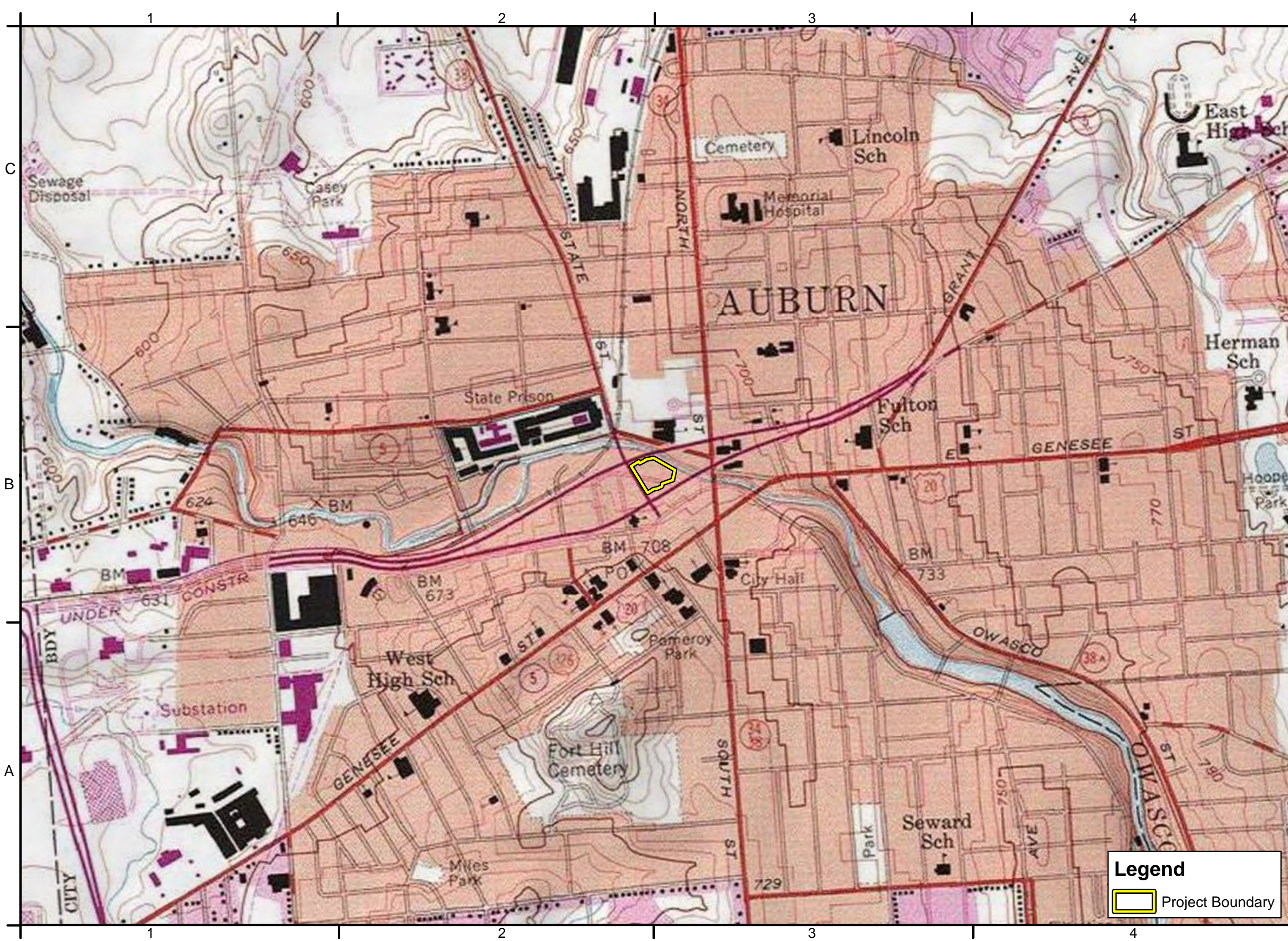
The environmental easement for the site was executed by the Department on October 4, 2012, and filed with the Cayuga County Clerk on October 23, 2012. The County Recording Identifier number for this filing is # 00129488 in Book 1491, Page 47. A copy of the easement and proof of filing is provided in Appendix C.

## LIST OF FIGURES

FIGURE 1    Project Location Map

FIGURE 2    Residual Contamination and Site Cover Areas





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0 1,000  
Feet

Auburn Community Hotel Project  
Brownfield Cleanup Program  
Site No. C706017  
City of Auburn, Cayuga County, New York


PROJECT NO:	C81.013
DATE:	November 29, 2012
SCALE:	AS SHOWN
DRAWN BY:	WNR
DESIGNED BY:	WNR
CHECKED BY:	SMV

F:\Project\81 - Pioneer Development\C81.011 Auburn BCP\GIS\Projects\Figure\_1.dwg (sheet.mxd)

Final Engineering  
Report  
Site Location  
Map

Source: USGS Digital Raster Graphic (DRG) Quadrangle, ESRI

**Legend**

 Project Boundary

**FIGURE 1**





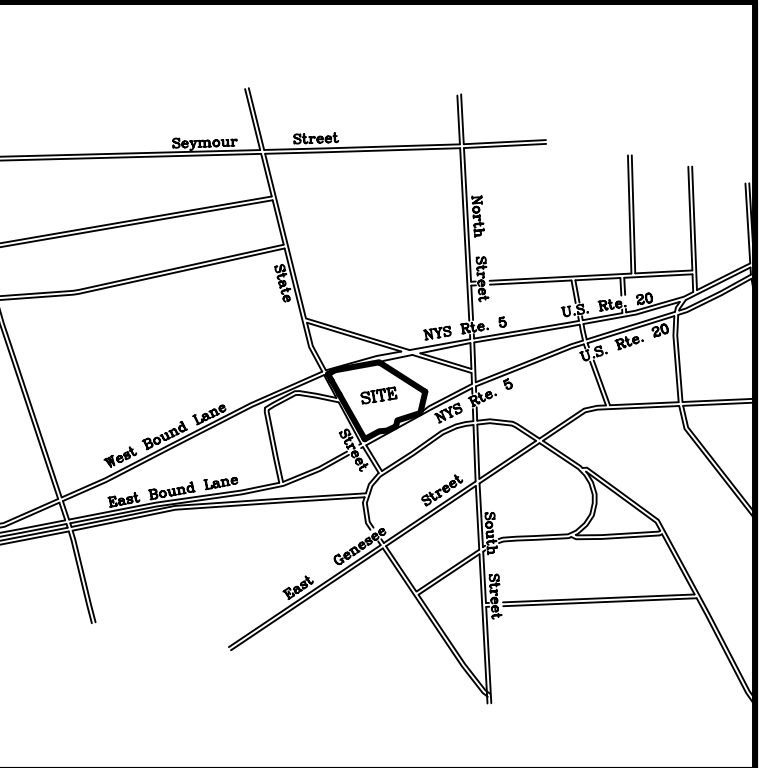
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APPENDIX B	Digital Copy of the FER (CD)
APPENDIX C	Site Management Plan (including Environmental Easement)

**APPENDIX A**

**SURVEY MAP**

**METES AND BOUNDS**



**(ENVIRONMENTAL EASEMENT DESCRIPTION)**  
**SCHEDULE A-4 (LEGAL DESCRIPTION)**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Auburn, County of Cuyahoga and State of Ohio, bounded and described as follows:

**BEGINNING** at the intersection of the east line of State Street with the south line of Water Street;

1) Thence N 29° 29' 28" W, along the east line of State Street being the west end of this part of Water Street, a distance of 87.61 feet to the north line of Water Street;

2) Thence N 29° 29' 28" W, along the east line of State Street, a distance of 71.30 feet to a point;

3) Thence N 60° 53' 11" E, a distance of 99.92 feet to a point;

4) Thence N 29° 06' 29" W, a distance of 28.55 feet to the south line of the west bound line of New York State Route 5 and U.S. Route 20;

5) Thence N 79° 45' 01" E, along said south line, a distance of 172.10 feet to the lands of the City of Auburn;

6) Thence S 57° 25' 18" E, along said City lands, a distance of 285.30 feet to the lands of the State of New York, County of Transportation;

7) Thence S 13° 05' 43" W, along said State lands, a distance of 113.65 feet to the northerly line of the east bound line of New York State Route 5 and U.S. Route 20. Thence along said northerly line,

8) S 72° 10' 23" W, and along the apparent east end of said Water Street, a distance of 125.52 feet to a point;

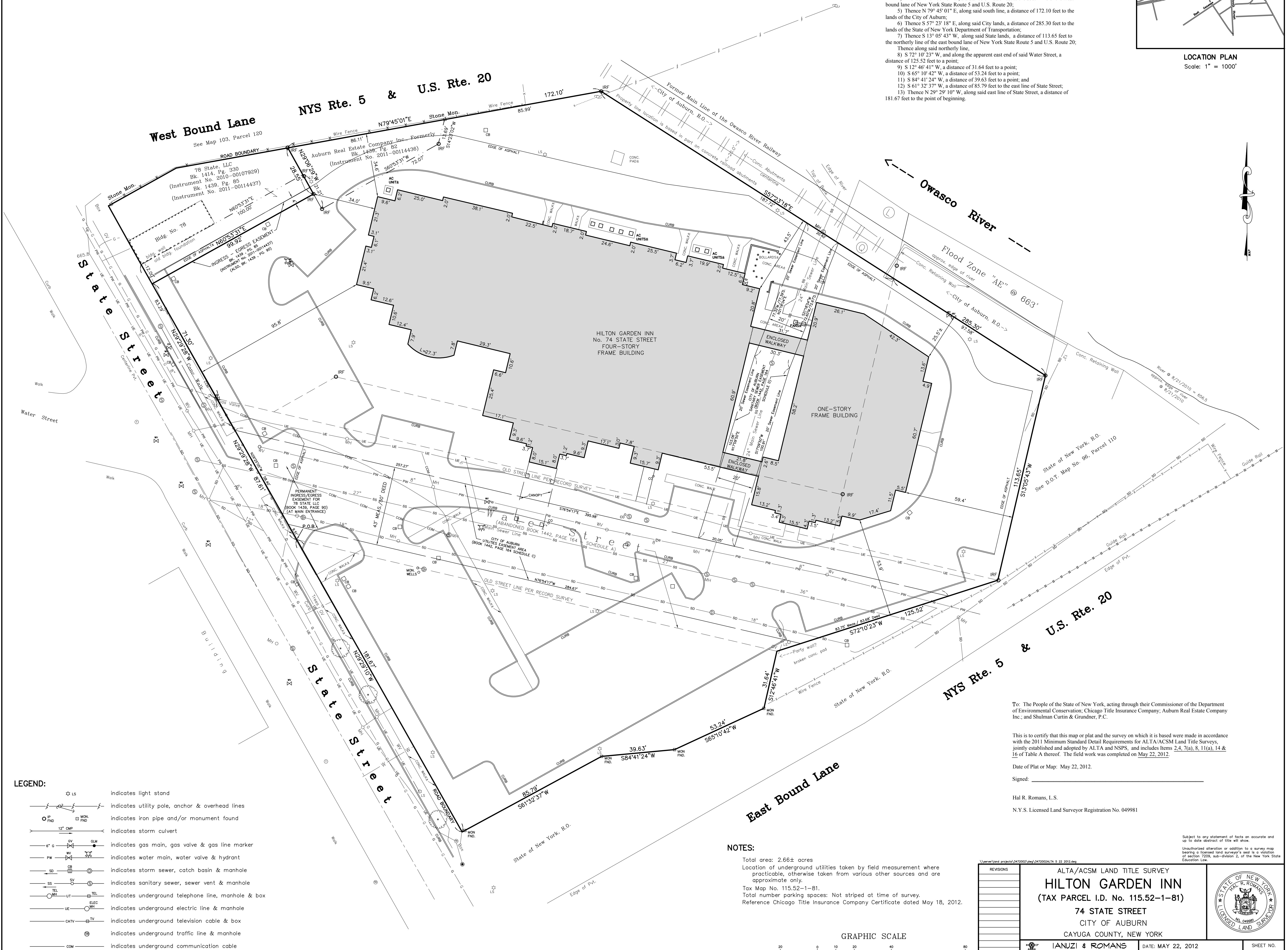
9) S 12° 46' 41" W, a distance of 31.64 feet to a point;

10) S 65° 10' 42" W, a distance of 53.24 feet to a point;

11) S 84° 41' 24" W, a distance of 39.63 feet to a point; and

12) S 61° 32' 37" W, a distance of 85.79 feet to the south line of State Street;

13) Thence N 29° 29' 10" W, along said east line of State Street, a distance of 181.67 feet to the point of beginning.





## SCHEDULE "A" PROPERTY DESCRIPTION

**ALL THAT TRACT OR PARCEL OF LAND situate in the City of Auburn, County of Cayuga and State of New York, bounded and described as follows:**

**BEGINNING at the intersection of the east line of State Street with the south line of Water Street;**

**1) Thence N 29° 29' 28" W, along the east line of State Street being the west end of this part of Water Street, a distance of 87.61 feet to the north line of Water Street;**

**2) Thence N 29° 29' 28" W, along the east line of State Street, a distance of 71.30 feet to a point;**

**3) Thence N 60° 53' 31" E, a distance of 99.92 feet to a point;**

**4) Thence N 29° 06' 29" W, a distance of 28.55 feet to the south line of the west bound lane of New York State Route 5 and U.S. Route 20;**

**5) Thence N 79° 45' 01" E, along said south line, a distance of 172.10 feet to the lands of the City of Auburn;**

**6) Thence S 57° 23' 18" E, along said City lands, a distance of 285.30 feet to the lands of the State of New York Department of Transportation;**

**7) Thence S 13° 05' 43" W, along said State lands, a distance of 113.65 feet to the northerly line of the east bound lane of New York State Route 5 and U.S. Route 20;**

**Thence along said northerly line,**

**8) S 72° 10' 23" W, and along the apparent east end of said Water Street, a distance of 125.52 feet to a point;**

**9) S 12° 46' 41" W, a distance of 31.64 feet to a point;**

**10) S 65° 10' 42" W, a distance of 53.24 feet to a point;**

**11) S 84° 41' 24" W, a distance of 39.63 feet to a point; and**

**12) S 61° 32' 37" W, a distance of 85.79 feet to the east line of State Street;**

**13) Thence N 29° 29' 10" W, along said east line of State Street, a distance of 181.67 feet to the point of beginning.**

**APPENDIX B**

**ELECTRONIC COPY OF FER**

**(compact disc)**

## **APPENDIX C**

### **SITE MANAGEMENT PLAN**



# **Site Management Plan**

## **Auburn Community Hotel Brownfield Cleanup Program**

City of Auburn, Cayuga County, New York

**NYSDEC BROWNFIELD SITE # C706017**

Prepared for  
**Auburn Community Hotel, LP**

By



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Revised and Finalized

November 2012

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	Paved and Concrete Surfaces Inspection Form

## **AUBURN COMMUNITY HOTEL, LP BROWNFIELD PROJECT**

### **SITE MANAGEMENT PLAN**

#### **SECTION 1 - INTRODUCTION**

##### **1.1 General**

This Site Management Plan (SMP) has been prepared by C&S Engineers, Inc. (C&S) on behalf of Auburn Community Hotel, LP for the Auburn Community Hotel Brownfield Site (Site), located in Auburn, New York in accordance with New York State Department of Environmental Conservation's (NYSDEC) *Technical Guidance for Site Investigation and Remediation*, dated May 3, 2010 (DER-10). This SMP addresses the means for implementation of Institutional Controls (ICs) and Engineering Controls (ECs), which are required by the Environmental Easement for the Site. A copy of the signed Easement is included in Appendix C.

After completion of the site investigation and limited remedial work described in the RI/RAA Report, some contamination was left in the subsurface at this Site, which is hereafter referred to as "residual contamination." Such residual contamination consists of soil that is one or more feet below grade and groundwater that is also below grade. This Site Management Plan was prepared to manage residual contamination at the Site in perpetuity or until extinguishment of the Environmental Easement in accordance with 6 NYCRR Part 375. The RI and limited remedial work on the Site began in January 2011 and was completed in August 2011. All reports associated with the Site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State.

In an effort to avoid direct and indirect future human or environmental exposure to potential residually contaminated soil and groundwater located at the Site, several measures and procedures will be implemented by Auburn Community Hotel, LP and remain in effect until such time as the NYSDEC and the property owner agree that measures are no longer required. It

will be the responsibility of Auburn Community Hotel, LP to notify property lessees or operators and contractors of these measures and procedures prior to any on-site maintenance or construction activities. The exception to this would be an emergency repair that needed to be made. In such an emergency situation, the contractor performing the work must notify the property owner.

It should be noted that this document is intended to be a “living” document and data collected in the future, changes in site conditions, and/ or changes in methods or procedures will be incorporated as appendices to this document.

## **1.2 Purpose**

The Site contains residual contamination left after completion of the RI and limited remedial work performed under the BCP. ECs have been incorporated into the Site remedy to provide proper management of residual contamination in the future to ensure protection of public health and the environment. A site-specific Environmental Easement has been recorded with the Cayuga County Clerk that provides an enforceable means to ensure the continued and proper management of residual contamination and protection of public health and the environment. It requires strict adherence to all ECs and ICs placed on this Site by NYSDEC by the grantor of the Environmental Easement and any and all successors and assigns of the grantor. ICs provide restrictions on Site usage and mandate operation, maintenance, monitoring, and reporting measures for all ECs and ICs. This SMP includes all methods necessary to ensure compliance with all ECs and ICs required by the Environmental Easement for residual contamination at the Site. The SMP has been approved by the NYSDEC, and compliance with this Plan is required by the grantor of the Environmental Easement and grantor’s successors and assigns.

Site management is the last phase of the remedial process and is triggered by the approval of the Final Engineering Report and issuance of the Certificate of Completion (COC) by NYSDEC. The SMP continues in perpetuity or until extinguished in accordance with 6 NYCRR Part 375. It

is the responsibility of the Environmental Easement grantor, and its successors and assigns to ensure that all Site Management responsibilities under this plan are performed.

The SMP provides a detailed description of procedures required to manage residual contamination at the Site in accordance with the Brownfield Cleanup Agreement (BCA) with the NYSDEC. This includes:

- 1) development, implementation, and management of ECs and ICs;
- 2) development of a plan to operate and maintain a positive pressure indoor environment in the first floor of each building on the property;
- 3) submittal of Site Management Reports, performance of inspections and certification of results, and demonstration of proper communication of Site information to NYSDEC;

To address these needs, this SMP includes four plans:

- 1) an Engineering and Institutional Control Plan for implementation and management of EC/ICs;
- 2) a Monitoring Plan for implementation of Site Monitoring;
- 3) an Operation and Maintenance Plan for implementation of control systems; and
- 4) a Site Management Reporting Plan for submittal of data, information, recommendations, and certifications to NYSDEC.

Site Management activities, reporting, and EC/IC certification will be scheduled on a certification period basis. The certification period will be annual.

Important notes regarding this SMP are as follows:

- This SMP defines site-specific implementation procedures as required by the Environmental Easement. The penalty for failure to implement the SMP is revocation of the COC;
- The BCA for the Site requires conformance with this SMP, and therefore, serves as a contractual binding authority under which this SMP is to be implemented. The BCP law itself also requires the preparation of a SMP in ECL 27-1415 and 27-1419.

Therefore, the BCA is a binding contract and the BCP law is statutory authority under which this SMP is required and is to be implemented.

- At the time this report was prepared, the SMP and all Site documents related to the Remedial Investigation and Remedial Action are maintained at the NYSDEC Region 7 offices in Syracuse. At the time of SMP submission, the Site documents can also be found in the repositories established for this project, as listed below:

City of Auburn

Planning and Economic Development Office

24 South Street

Auburn, NY 13021

Attn: Stephen Selvek

Seymour Public Library

176-178 Genesee St.

Auburn, NY 13021

Phone: (315) 252-2571

## **SECTION 2 - SITE BACKGROUND**

### **2.1 Site Description**

The site, as illustrated on Figure 1, is situated on the east side of State Street (NY Route 38), bisected by Water Street, and between the east and west bound lanes of NY Routes 5 & 20 in the City of Auburn, New York. The Owasco Lake Outlet borders the property along the northern property line. The 2.2 acre site is comprised of the following four parcels:

- 76 - 78 State Street, tax parcel 71 and 82, situated on approximately 1.2 acres, and previously occupied by a 13,000-square foot vacant building (former T&K Lumber Company).
- 25 - 27 Water Street, tax parcel 84, consisting of 0.27 acres of vacant land.
- 72 State Street, tax parcel 70, 0.45 acres formerly occupied by a 45,000-square foot three-story structure used as a restaurant and apartments. At the onset of the BCP, the majority of this structure was unoccupied.
- A portion of Water Street (approx. 0.28 acres) which the City of Auburn has conveyed to Auburn Community Hotel, L.P.

The developed use of the property is as a multi-story low rise hotel. Relevant to development as a hotel, the site is visible to transient traffic on the aforementioned highways, and within easy walking distance to downtown Auburn.

### **2.2 Site History**

Within one block of Auburn's main thoroughfare, the site has been part of the developed urban environment for nearly 200 years. Land use on and around the site has been varied and includes small industrial manufacturing, auto repair shops, gasoline station, dry cleaner, print shop, painting operations among others described in the BCP Application. Given the location of the Owasco Lake Outlet, local shallow groundwater appears to migrate towards this water course.



Local groundwater is not a potable source and the property and adjoining lands are supplied by a municipal water system. Although the presence of public water does not eliminate all potential groundwater concerns, groundwater vulnerability in the context of wellhead protection and groundwater recharge zones do not apply to this property.

As part of the BCP application, historical land use and business occupancy information within the proposed site was obtained via a series of Sanborn Fire Insurance Maps compiled by Environmental Data Resources of Milford Connecticut and a review of historic City of Auburn Directories located within the City of Auburn Library. Presented in detail in Section VII of the BCP application, historical land uses on and near the subject property included:

- Feed, seed/farm supply store primarily along Water Street
- Auto repair shops, machine shops, auto dealer sales and repair at various locations on Water Street, Dill Street, and State Street
- Dry cleaning operations located on State Street and Water Street.
- Gasoline filling station at 70 State Street
- Printing and sign shop/sign painter on State Street, Dill Street, and Water Street
- Rail line/spur parallel to Owasco Lake Outlet

### **2.3 Summary of the Remedial Activities**

During the Remedial Investigation (RI) and demolition activities, limited subsurface areas impacted by petroleum and chlorinated volatile organic compounds were discovered. The term *chlorinated volatile organic compounds* (CVOCs) refers to the suite of compounds made up of tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride (VC), cis-1,2-dichloroethene (cis-1,2-DCE), and trans-1,2-dichloroethene (trans-1,2-DCE).

During demolition of the building slabs, direct action was taken to remove petroleum impacted soils and subsurface structures. Information regarding activities undertaken during the slab demolition was documented in the RI/RAA Report, prepared by C&S. Appendix F of that report provides disposal documentation for 23.6 tons of soils associated with removal of a hydraulic lift

and with sampling-derived wastes exhibiting low levels of CVOCs (maximum detection of 75 µg/l). These limited removal actions were undertaken following consultation with the on-site NYSDEC representative and did not represent a formal Interim Remedial Measure.

## **2.4 Residual Contamination**

### ***Residual Soil and Groundwater Contamination***

As identified and discussed in Section 4 (Nature and Extent of Contamination) and Section 5 (Human Health Risk Assessment) of the SI/RAA Report, subsurface soil contaminants at the Auburn Community Hotel BCP site include:

- VOCs, SVOCs, pesticides, and inorganic parameters at levels exceeding Unrestricted Use Soil Cleanup Objectives (SCOs)<sup>1</sup>; and
- SVOCs and inorganic parameters at levels that also exceeded the Commercial Use SCOs.

With respect to groundwater:

- Benzene was detected at 1.5 µg/L in the February 2011 sample from MW-3 (Class GA Groundwater Standard for benzene is 1 µg/L);
- Tetrachloroethene (PCE) was detected at 7 µg/L in the July 2011 sample from MW-6 (Class GA groundwater Standard for PCE is 5 µg/L);
- Four inorganic parameters (iron, manganese, magnesium, and sodium) were detected at levels exceeding Class GA Groundwater Standards in groundwater monitoring well samples; and
- PCB Aroclor 1254 was detected at 0.16 µg/L in the July 2011 sample collected from monitoring well MW-2 (Class GA groundwater Standard for total PCBs is 0.09 µg/L).

The locations and detections outlined above are presented in *Appendix D – Residual Contamination Figure*. It should be noted that the detected presence of benzene and PCB Aroclor 1254 in groundwater samples did not occur at those same locations (monitoring wells

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<sup>1</sup> 6 NYCRR Subpart 375-6: Remedial Program Soil Cleanup Objectives

MW-2 and MW-3) during the other round of groundwater sampling at those same monitoring wells.

## SECTION 3 - ENGINEERING AND INSTITUTIONAL CONTROL PLAN

### 3.1 Purpose and Definitions

Institutional and engineering controls are utilized on sites where the potential exists for contact with residual contamination in the soil and/or groundwater. Definitions for ECs and ICs as provided in the NYSDEC's *Draft Technical Guidance for Site Investigation and Remediation* (Draft DER-10) are provided below:

*"Engineering controls"* means any physical barrier or passive mechanism to contain or stabilize contamination, ensure the effectiveness of a remedial action or eliminate potential exposure pathways from any contaminated medium. Engineering controls may include, without limitation, caps, covers, vapor barriers, fences, slurry walls, access controls and demarcation barriers (e.g., geonets or other fabric). Engineering controls are used in conjunction with institutional controls, to ensure that the engineering controls remain effective.

*"Institutional controls"* means non-physical mechanisms which restrict the use of a site, limit human exposure, or prevent any actions which would threaten the effectiveness, operation, or maintenance of a remedy at or pertaining to the site. Institutional controls apply when contaminants remain at a site at levels which would not allow unrestricted human use of the property. Institutional controls may include, without limitation, restrictions on the use of structures, land and groundwater as well as deed notices and covenants.

Access to the site will continue to be provided to the NYSDEC to evaluate the remedy, including access to evaluate the continued maintenance of such controls.

Auburn Community Hotel, LP has developed several ECs and ICs for this Site. These ECs and ICs are further elaborated on below.

### **3.2 Site Specific Engineering Controls**

*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 designs and system performance requirements will be in accordance with manufacturer's specifications and applicable regulations and/or guidance.

*Public water supply* - The site and surrounding properties receive their domestic water from municipal service connections supplied by the City of Auburn. The source of the municipal water supply is surface water from Owasco Lake.

*Paved and concrete surfaces* - Site cover – The vast majority of surfaces outside of the building footprints are paved or covered with conventional asphalt or concrete. Areas beneath the asphalt and/or concrete pavement received one foot of clean Type 1 or 2 crushed limestone from an approved quarry (i.e., T. H. Kinsella, Hansen).

*Landscaped Areas* - Areas outside of buildings and paved areas a combination of clean crushed limestone fill, and/or clean topsoil to a minimum depth of one foot, with a minimum topsoil depth of six inches. The clean crushed limestone fill and/or topsoil will be maintained as installed utilizing a demarcation layer of woven fabric so that there will be no direct contact with pre-existing urban fill material and native soils.

### **3.3 Site Specific Institutional Controls**

*Annual Certification* - As required by ECL 27-1415 and the Brownfield Cleanup Agreement for the site, Auburn Community Hotel, LP will submit an annual certification that the aforementioned Engineering Controls are in operation and working effectively to the NYSDEC.

*Environmental Easement* - Auburn Community Hotel, LP will grant the NYSDEC an environmental easement for the Site to ensure that use restrictions or engineering controls remain in place and will be binding to future owners and lessees or operators, or until modified,

extinguished, or amended by a written instrument executed by the Commissioner of the NYSDEC.

*Groundwater Use Restriction* - The use or discharge of untreated groundwater for any purpose will not be permitted at the Site without necessary water quality treatment as determined by the NYSDOH, County DOH, or applicable successor agency.

*Soil Management Plan* - A site specific soil management plan will be implemented at this Site. The soil management plan is presented in Section 3.4 below.

### **3.4 Soil Management Plan**

#### **3.4.1 Overview and objectives**

The objective of this Soil Management Plan (SoMP) is to set guidelines for management of soil material during any future activities which would breach the cover system at the site. The SoMP addresses environmental concerns related to soil management and has been reviewed and approved by the NYSDEC.

#### **3.4.2 Nature and extent of contamination**

Section 2 above describes the residual contamination at the site subsequent to the site Remedial Investigation and limited removal actions completed in July 2011.

#### **3.4.3 Contemplated use**

The site has been significantly redeveloped with a multi-story hotel and convention center. No additional future commercial development is anticipated to take place.

#### **3.4.4 Purpose and description of surface cover system**

As part of the site redevelopment, the vast majority of the site is covered by the buildings or has been paved for roadways and parking lots. In addition, a considerable portion of the site has been covered with clean crushed stone fill to bring the facility to grade for development. While not specifically designed as a surface cover system, the effect of the structures, pavements, and fill is the same; they reduce the potential for human contact with the existing urban fill material and mitigate the potential for contaminated runoff from the property. The paving and fill consists of the following:

- **Fill and Subbase:** Run of Crush limestone fill was imported to elevate grades to pre-pavement depths.
- **Asphalt:** a minimum of three inches of material in areas of driveways, sidewalks, and parking lots. Actual cross sections were determined based on the intended use of the area.
- **Concrete:** a minimum of four inches of material in areas that were slab-on-grade structures or for driveways, sidewalks, and parking lots in lieu of asphalt. Actual cross sections were determined based on the intended use of the area.
- **Lanscaped Areas (plantings or grass):** a minimum of one foot thick cover, including a minimum of six inches topsoil.

The hotel operator will perform a semiannual inspection of the cover system.

#### **3.4.5 Management of soils/fill and long-term maintenance of cover system**

The purpose of this section is to provide environmental guidelines for management of subsurface soils/fill and the long-term maintenance of the cover system during any future intrusive work which breaches the cover system.

The SoMP includes the following conditions:

- Any breach of the paving and fill (including for the purposes of construction or utilities work) must be replaced or repaired using existing material or an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. The repaired area must be covered with existing material or soil from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination, and reseeded or covered with impervious product such as concrete or asphalt to prevent erosion in the future.
- Control of surface erosion and run-off of the entire property at all times, including during construction activities. This includes proper maintenance of the vegetative cover established on the property.
- Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.
- Soil excavated at the site may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a cover system component. After excavating such soils, they must be staged within lined and covered stockpiles prior to re-use to prevent potential spread of residual contamination.
- Any off-site fill material brought to the Site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. Off-site borrow sources should be subject to collection of one representative composite sample per source. The sample should be analyzed for Target Compound List (TCL) volatiles, semivolatiles, pesticides, PCBs, and inorganics. The soil will be acceptable for use as cover material provided that all parameters meet the NYSDEC recommended soil cleanup objectives included in DER-10.
- All liquids to be removed from the Site, including dewatering fluids, will be handled, transported and disposed in accordance with applicable local, state, and federal regulations.
- Prior to any construction activities, the contractor is to be notified of the site conditions with clear instructions regarding how the work is to proceed. The contractor will be



instructed that invasive work performed at the property must be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

- Any damage to demarcation fabrics resulting from intrusive activities will be repaired prior to backfilling or renovating the area disturbed.

### **3.4.6 Excavated and stockpiled soil/fill disposal**

Soil/fill that is excavated as part of development and which cannot be used as fill below the fill and paving will be further characterized prior to transportation off-site for disposal at a permitted facility. For excavated soil/fill with visual evidence of contamination (i.e., staining or elevated PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and a duplicate sample will be collected for 2,000 cubic yards of stockpiled soil, and a minimum of one sample will be collected for volumes less than 2,000 cubic yards.

If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported on or off-site until the analytical results are received.

Stockpiles will be inspected at a minimum once each week and after every significant storm event. Results of inspections will be recorded in a logbook and maintained at the Site and available for inspection by NYSDEC. Soil stockpiles will be continuously encircled with silt fences. Hay bales will be used as needed near catch basins, surface waters and other discharge points. Stockpiles will be underlain with polyethylene sheeting and kept covered at all times with appropriately anchored tarps or polyethylene sheeting. Damaged covers will be promptly replaced.

### **3.4.7 Subgrade material**

Subgrade material used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria. Note that this requirement does not apply to materials placed during site development that has already occurred.

- Excavated on-site soil/fill which appears to be visually impacted will be sampled and analyzed. If analytical results indicate that the contaminants, if any, are present at concentrations below the Commercial Use SCOs, the soil/fill can be used as backfill on-site.
- Any off-site fill material brought to the Site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination.
- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a).
- If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.
- Virgin soils that appear contaminated should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL volatiles, semivolatiles, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the SCOs.
- Imported non-virgin soils that appear contaminated will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet SCOs, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than

5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the SCOs.

### **3.4.8 Notification**

The Contractor must notify Auburn Community Hotel, LP prior to any earthwork including excavation and/or borings through or under the Auburn Community Hotel Site. During routine activities, spoil materials generated are normally expected to be classified as construction/demolition debris and presumed to be non-hazardous. The Contractor should be familiar with these types of materials and will handle them in accordance with their standard operating procedures. The health and safety of the Contractor's personnel on-site is the responsibility of the Contractor and is not addressed as part of this plan. The contractor may need to prepare a Health and Safety Plan and a Community Air Monitoring Plan if excavation into original site materials is anticipated.

### **3.4.9 Site dewatering**

If the discovery of residual material involves contaminated waters existing within site utility conveyances or open excavations, similar response activities will take place as those described above. When dealing with contaminated waters however, options for disposal will be limited to containerizing with off-site disposal or discharge to the Publicly Owned Treatment Works (POTW) with adequate characterization and pretreatment acceptable to the Control Authority. Characterization for off-site disposal will vary by site, but will involve the same types of analyses listed previously. The City of Auburn regulates the discharge of contaminated groundwater to the sewer system through the Industrial Wastewater Pretreatment Program and has developed specific guidance for disposal to the sewer. Prior to pumping of any waters from site utility conveyances or open excavations to the public sewer, Auburn Community Hotel, LP will coordinate with the City of Auburn to determine the analytical requirements needed to confirm the acceptability of these discharges.

Options for handling the waters will be a function of the quantity and quality of the waters encountered, the nature of the contaminant and the options for treatment and/or disposal of the wastes.

### **3.4.10 Stormwater management**

The project has a statewide SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) as well as a Stormwater Pollution Prevention Plan (SWPPP) in place. Additionally, the SWPPP will remain in place until site stabilization has been achieved and a “Notice of Termination” has been submitted and approved by the NYSDEC. Any future disturbances that compromise the stabilization of the site will comply with NYSDEC storm water pollution control requirements.

## **SECTION 4 - SITE MONITORING PLAN**

### **4.1 Introduction**

#### **4.1.1 General**

The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the implemented ECs in reducing or mitigating contamination at the Site. This Monitoring Plan is subject to revision by NYSDEC.

#### **4.1.2 Purpose**

This Monitoring Plan describes the methods to be used for:

- Evaluating Site information periodically to confirm that the remedy continues to be effective as per the design; and
- Preparing the necessary reports for the various monitoring activities.

To adequately address these issues, this Monitoring Plan provides information on:

- Reporting requirements; and
- Annual inspection and certification.

Semiannual monitoring of the site cover systems and annual monitoring of the building HVAC systems will be conducted to demonstrate the continued effectiveness of these ECs

#### **4.2 Monitoring Reporting Requirements**

Forms and any other information generated during regular inspections will be kept on file. All forms, and other relevant reporting formats used during the monitoring/inspection events, will be subject to approval by NYSDEC and submitted at the time of the Site Management Report, as specified in the Reporting Plan of the SMP. All monitoring results will be reported to NYSDEC on an Annual basis in the Site Management Report. The report will include, at a minimum:

- Date(s) of inspections or activities;
- Description of the activities performed;
- Type of samples collected (if any);
- Copies of field forms completed;
- Sampling results in comparison to appropriate standards/criteria;
- A figure illustrating sample type and sampling locations;
- Copies of laboratory data sheets and the required laboratory data deliverables required for all points sampled (also to be submitted electronically in the NYSDEC-identified format);
- Any observations, conclusions, or recommendations.

Data will be reported in hard copy or digital format as determined by NYSDEC.

## **SECTION 5 - OPERATIONS AND MAINTENANCE PLAN**

### **5.1 Introduction**

The Operation and Maintenance Plan describes the measures necessary to operate and maintain mechanical components of the remedy selected for the Site (e.g., positive pressure building systems). This Operation and Maintenance Plan includes the steps necessary to allow individuals unfamiliar with the Site to operate and maintain the systems. The plan also includes an operation and maintenance contingency plan. The plan will be updated periodically (if necessary) to reflect changes in Site conditions or the manner in which the systems are operated and maintained.

This Operation and Maintenance Plan is not to be used as a stand-alone document, but as a component document of the SMP. The Operation and Management Plan is subject to NYSDEC revision.

### **5.2 Positive Pressure Building Systems**

The building HVAC systems shall be operational at all times in any building that is occupied. Those HVAC systems function to maintain a positive pressure within the first floor building environment. The building HVAC systems provide minimum ventilation rates in accordance with the 2010 New York State Building Code (which exceed the requirements of ASHRAE Standard 62), and maintain the first floor building areas at a slightly positive pressure, inhibiting potential vapor intrusion. The mechanical HVAC components are rated for continuous service.

#### *Initial Commissioning*

Prior to building occupancy, a design professional verified that the systems were operating satisfactorily to maintain a positively pressured first-floor building environment, and that:

- All HVAC control systems were operational.

- The absence of backdraft conditions in HVAC equipment venting systems was confirmed.
- The building operator was made aware that proper function of the HVAC system is necessary for maintaining positive pressure within the indoor building environment.
- Positive pressure at four separate locations on the first floor (conference room, pre-function, main lobby, and restaurant) was confirmed via differential pressure measurements with respect to an outdoor reference.

Appendix E provides the design professional's report for the initial commissioning of the HVAC system.

#### *Operation and Maintenance*

Verification of continued normal operating status by visual/physical observation of the HVAC system by the operator shall be executed and recorded on a weekly basis.

Routine maintenance will be performed every 12 months and include:

- Visual inspection of above grade components;
- Verification that no building intakes have been added;
- As appropriate, preventative maintenance, repairs, and/or adjustments shall be made to the system to ensure its continued effectiveness; and
- If significant changes are made to the building, the HVAC system will be modified and/or expanded to properly ensure the system is functioning properly.

In the event of fan failure, as evidenced by the building conditions, the building operator shall immediately engage the services of a commercial HVAC service organization to restore the system to normal operation within 24 hours of the event. The building operator shall not attempt to repair or modify the fan or any of the HVAC system components. Once the system has been restored to normal operating status, the service organization shall provide documentation that the system is functional as designed. The written documentation associated with all repairs, modifications, and/or re-commissioning after system failure shall be retained on site.

### *Annual Inspection and Certification*

An annual HVAC inspection and certification report shall be prepared and certified by a professional engineer or an environmental professional that shall document:

- That the building HVAC system remains fully functional, and performs properly; and
- Positive pressure at a minimum of four separate locations on the first floor is confirmed via differential pressure measurements with respect to an outdoor reference.

The HVAC inspection and certification report will be included in the annual Site Management Report. The Site Management Report shall also contain the documentation of weekly monitoring, modifications and repairs. A copy of the form to be used to record the inspection data is provided in Appendix E.

### **5.3 Pavement and Concrete Surfaces**

All paved and concreted surfaces are to be maintained such that extensive perforations or cracks are sealed or repaired on an on-going basis. The Property Operator will perform a semiannual inspection of the cover system.



## **SECTION 6 - SITE MONITORING REPORTING PLAN**

### **6.1 Introduction**

A Site Management Report will be submitted by March 1<sup>st</sup> annually to NYSDEC. The Site Management Report will be prepared consistent with NYSDEC Draft DER-10 *Technical Guidance for Site Investigation and Remediation* requirements. This Site Management Reporting Plan and its requirements are subject to revision by NYSDEC. The annual report will include the following:

- Identification of all required EC/ICs required by the Remedial Work Plan for the Site;
- An evaluation of the Engineering and Institutional Control Plan and the Monitoring Plan for adequacy in meeting remedial goals;
- Assessment of the continued effectiveness of all Institutional and Engineering Controls for the Site;
- Certification that the EC/ICs remain in place;
- Results of the required periodic Site Inspections; and
- All deliverables generated during the reporting period, as specified in this SMP.

### **6.2 Certification of Engineering and Institutional Controls**

Information on EC/ICs can be found in the Engineering and Institutional Control Plan portion of the SMP. Inspection of the EC/ICs will occur at a frequency described in the Monitoring Plan and the Operation and Maintenance Plan. After the last inspection of the reporting period, a qualified environmental professional and/or a Professional Engineer licensed to practice in New York State will sign and certify the document. The document will certify that institutional controls and/or engineering controls employed at such site are:

- unchanged from the previous certification (or describes changes which were approved by the Department);
- in place and effective;
- performing as designed; and
- that nothing has occurred that would impair the ability of the controls to protect the public health and environment; or constitute a violation or failure to comply with any element of the SMP for such controls.

## **6.3 Site Inspections**

### **6.3.1 Inspection frequency**

Inspections will be conducted:

- Semiannually;
- Whenever a severe condition has taken place, such as erosion or a flooding event, that may affect the ECs.

### **6.3.2 Inspection forms, sampling data, and maintenance reports**

Inspections and monitoring events will be recorded on the appropriate forms for their respective system. Additionally, a general Site-wide inspection form will be completed during the Site-wide inspection.

Applicable inspection forms and other records (including all sampling data of any media at the Site and system maintenance reports) generated for the Site during the calendar year will be included in the Report.

### **6.3.3 Evaluation of records and reporting**

The results of the inspection and Site monitoring data will be evaluated as part of the EC/IC certification to confirm that the:

- EC/ICs are in place, are performing properly, and remain effective;
- The Monitoring Plan is being implemented;
- Operation and maintenance activities are being conducted properly; and, based on the above items,
- The Site remedy continues to be protective of public health and the environment and is performing as designed in the Remedial Action Work Plan and Final Engineering Report.

#### **6.4 Site Management Report**

The Site Management Report will be submitted annually and will be submitted by March 1 of the year following the reporting period. The report will include:

- A certification that ECs/ICs remain in place;
- All applicable inspection forms and other records generated for the Site during the reporting period;
- Cumulative data summary tables and/or graphical representations of contaminants of concern by media, which include a listing of all compounds analyzed along with the applicable standards, with all exceedances highlighted;
- Results of all analyses, copies of all laboratory data sheets, and the required laboratory data deliverables required for all points sampled during the calendar year (also to be submitted electronically in the NYSDEC-specified format);
- A Site evaluation, which will address the following:
  - The compliance of the remedy with the requirements of the Remedial Action Work Plan and Final Engineering Report;
  - The performance and effectiveness of the remedy;
  - The operation and the effectiveness of the HVAC system, including identification of any needed repairs or modifications;
  - Any new conclusions or observations regarding Site contamination based on inspections or data generated by the Monitoring Plan for the media being monitored; and

- Recommendations regarding any necessary changes to the remedy and/or Monitoring Plan.
- A figure showing sampling locations, and significant analytical values at sampling locations; and
- Comments, conclusions, and recommendations, based on an evaluation of the information included in the report, regarding EC/ICs at the Site.

The Site Management Report will be submitted, in hard-copy format, to the Region 7 NYSDEC offices, located at 615 Erie Blvd. West, Syracuse, New York 13204-2400, and in electronic format to NYSDEC and the New York State Department of Health.

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**Appendix A**

**Soil Management Plan Forms**

**AUBURN COMMUNITY HOTEL, LP**  
**WASTE NOTIFICATION FORM**

1. Date: \_\_\_\_\_ Event No. \_\_\_\_\_
2. Time of Discovery: \_\_\_\_\_
3. Name of Person Who Discovered Waste: \_\_\_\_\_
4. Method of Discovery: \_\_\_\_\_
5. Name of Person Reporting: \_\_\_\_\_
6. Description of Waste:
  - a. Physical Characteristics      \_\_\_\_\_ liquid    \_\_\_\_\_ solid    \_\_\_\_\_ semi-solid (sludge)  
*Brief Description:* \_\_\_\_\_  
\_\_\_\_\_
  - b. Estimated Quantity of Waste (based on visual observation): \_\_\_\_\_
  - c. Color: \_\_\_\_\_
  - d. Odor (describe if noticeable odor was present): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Location of Waste: \_\_\_\_\_  
\_\_\_\_\_
8. Response Action Taken Prior to Notification: \_\_\_\_\_  
\_\_\_\_\_
9. Persons Notified: \_\_\_\_\_  
\_\_\_\_\_

**AUBURN COMMUNITY HOTEL, LP**  
**WASTE STORAGE AREA INSPECTION FORM**

Inspector Name: \_\_\_\_\_ Weather Conditions: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Temperature: \_\_\_\_\_

Time of Inspection: \_\_\_\_\_

	Yes	No
Is area secured and are signs posted?	_____	_____
Are all wastes within containment area covered with polyethylene?	_____	_____
Is there any visual evidence of surface staining or discoloration originating from the containment area?	_____	_____
Are exposed liner and cover surfaces in good condition?	_____	_____
Is there any visual evidence of vandalism, tampering or any other deteriorating condition?	_____	_____
Does visual inspection indicate repair work is required? ( <i>Explain</i> )	_____	_____
Were photographs taken? If yes, by whom? <i>Name</i> _____	_____	_____
Indicate photo log numbers.	_____	_____

*Remarks/Comments:* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# **Appendix B**

## **List of Acronyms**



## **List of Acronyms**

ASP	Analytical Services Protocol
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
C/D	Construction / demolition
CFR	Code of Federal Regulations
COC	Certificate of Completion
CVOC	Chlorinated volatile organic compound
DCE	Dichloroethene
DER	Division of Environmental Remediation
EC	Engineering control
ECL	Environmental Conservation law
IC	Institutional control
IRM	Interim Remedial Measure
NYCRR	New York Codes Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
PCB	Polychlorinated biphenyls
PCE	Tetrachloroethene (aka perchloroethene)
PID	Photoionization detector
POTW	Publicly Owned Treatment Works
RI	Remedial Investigation
SMP	Site Management Plan
SoMP	Soil Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TCE	Trichloroethene
VC	Vinyl chloride
VOC	Volatile organic compound

# **Appendix C**

## **Environmental Easement**

Recorded Oct 23, 2012  
Doc# 00129488  
Time 10:05A  
Book 1491  
Page 47  
36  
Susan M. Dwyer  
CAYUGA COUNTY CLERK

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 4<sup>th</sup> day of October, 2012 between Owner(s) Auburn Real Estate Company, Inc., having an office at 333 West Washington Street, Suite 600, Syracuse, County of Onondaga, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of 74 State Street in the City of Auburn, County of Cayuga and State of New York, known and designated on the tax map of the County Clerk of Cayuga as tax map parcel numbers: Section 115.52 Block 1 Lot 81, being the same as that property conveyed to Grantor by deed dated November 12, 2010; November 8, 2010; July 16, 2010; February 24, 2011 and April 4, 2011 and recorded in the Cayuga County Clerk's Office in Liber and Page 1430, 321; 1432, 181; 1433, 263; 1439, 82 and 1442, 160. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 2.659 +/- acres, and is hereinafter more fully described in the Land Title Survey dated as of May 22, 2012 prepared by Ianuzi & Romans Land Surveying, P.C. (Hal R. Romans, L.L.S., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

[2/12]

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C706017-11-10, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) .**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:  
(i) are in-place;  
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be

defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: C706017  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:      Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the [2/12]





THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:



Robert W. Schick, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK     )  
                                      ) ss:  
COUNTY OF ALBANY     )

On the 4th day of October, in the year 2011 before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public - State of New York

David J. Chiusano  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2014

## SCHEDULE "A" PROPERTY DESCRIPTION

**ALL THAT TRACT OR PARCEL OF LAND situate in the City of Auburn, County of Cayuga and State of New York, bounded and described as follows:**

**BEGINNING at the intersection of the east line of State Street with the south line of Water Street;**

**1) Thence N 29° 29' 28" W, along the east line of State Street being the west end of this part of Water Street, a distance of 87.61 feet to the north line of Water Street;**

**2) Thence N 29° 29' 28" W, along the east line of State Street, a distance of 71.30 feet to a point;**

**3) Thence N 60° 53' 31" E, a distance of 99.92 feet to a point;**

**4) Thence N 29° 06' 29" W, a distance of 28.55 feet to the south line of the west bound lane of New York State Route 5 and U.S. Route 20;**

**5) Thence N 79° 45' 01" E, along said south line, a distance of 172.10 feet to the lands of the City of Auburn;**

**6) Thence S 57° 23' 18" E, along said City lands, a distance of 285.30 feet to the lands of the State of New York Department of Transportation;**

**7) Thence S 13° 05' 43" W, along said State lands, a distance of 113.65 feet to the northerly line of the east bound lane of New York State Route 5 and U.S. Route 20;**

**Thence along said northerly line,**

**8) S 72° 10' 23" W, and along the apparent east end of said Water Street, a distance of 125.52 feet to a point;**

**9) S 12° 46' 41" W, a distance of 31.64 feet to a point;**

**10) S 65° 10' 42" W, a distance of 53.24 feet to a point;**

**11) S 84° 41' 24" W, a distance of 39.63 feet to a point; and**

**12) S 61° 32' 37" W, a distance of 85.79 feet to the east line of State Street;**

**13) Thence N 29° 29' 10" W, along said east line of State Street, a distance of 181.67 feet to the point of beginning.**

County: Cayuga

Site No: C706017

Brownfield Cleanup Agreement Index: C706017-11-10

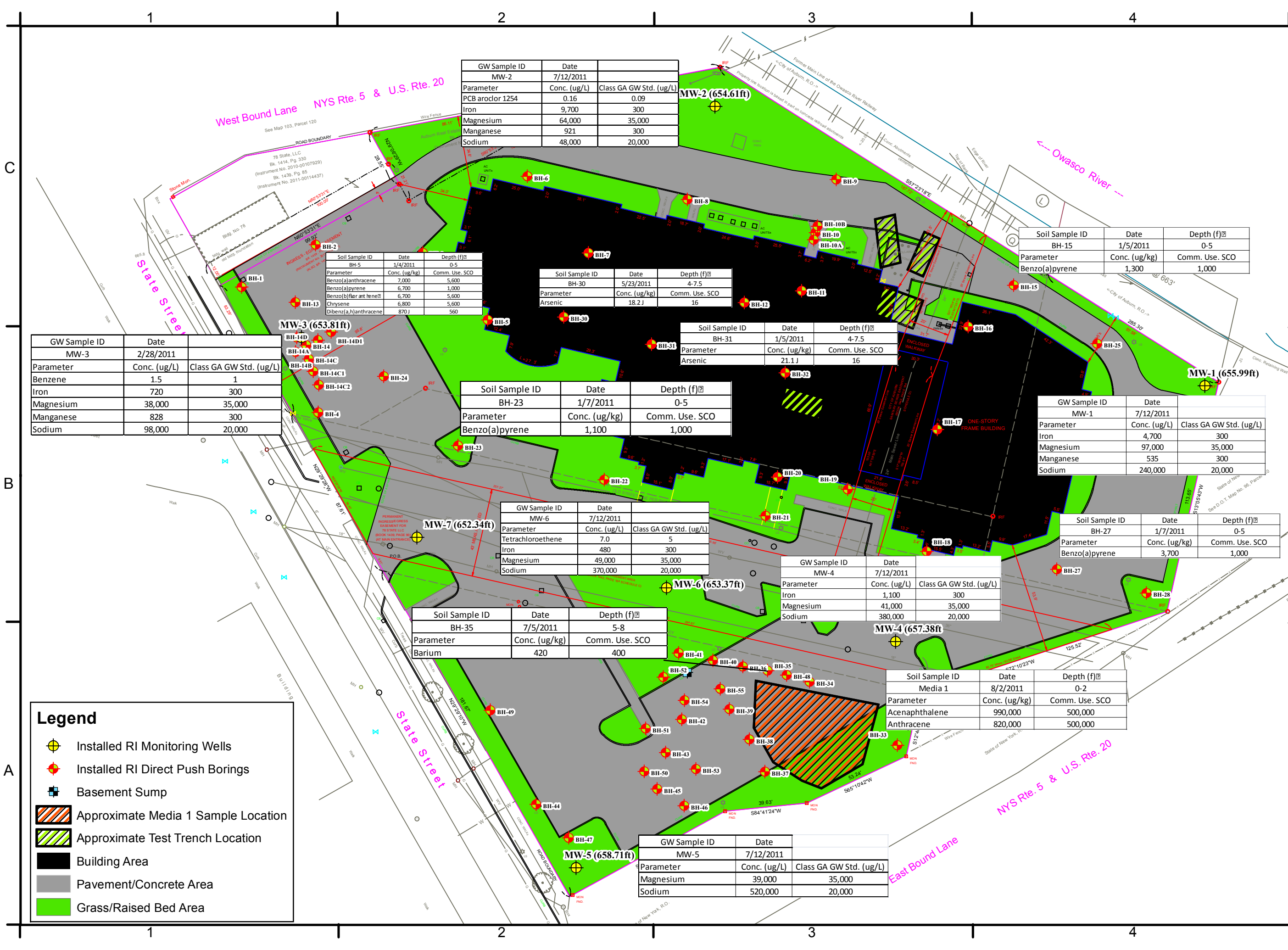
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**SURVEY**



# **Appendix D**

## **Residual Contamination Figure**



C&S Engineers, Inc.  
499 Col. Eileen Collins Blvd.  
Syracuse, New York 13212  
Phone: 315-455-2000  
Fax: 315-455-9667  
www.cscs.com



Auburn Community Hotel Project  
Brownfield Cleanup Program  
Site No. C706017  
City of Auburn, Cayuga County, New York

PROJECT NO:	C81
DATE:	September 14, 2012
SCALE:	AS SHOWN
DRAWN BY:	WNR
DESIGNED BY:	WNR
CHECKED BY:	SMV

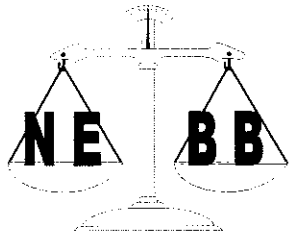
Appendix D  
Residual  
Contamination Figure

# **Appendix E**

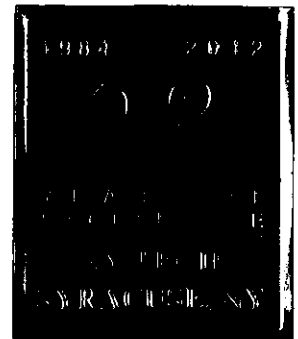
**HVAC Initial Inspection Form**

**HVAC Inspection and Certification Form**

**Paved and Concrete Surfaces Inspection  
Form**



## BUILDING PRESSURE TEST REPORT



Date: 10/26/12

PROJECT: HILTON GARDEN INN

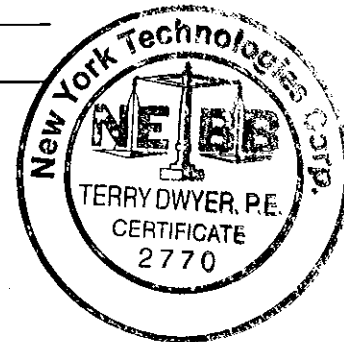
ADDRESS: AUBURN, NEW YORK

ENGINEER: MR. JOHN O'BRIEN

ARCHITECT: NA

HVAC CONTRACTOR: NA

NEBB TAB CONTRACTOR: NEW YORK TECHNOLOGIES CORP.  
180 FOREST HILL DRIVE  
SYRACUSE, NY 13206  
PHONE: (315) 432-1917  
FAX: (315) 432-5627



*Terry Dwyer*

National Environmental Balancing Bureau  
Report Not Valid Unless Cover Sheet Stamped With  
NEBB Certification Seal



New York Technologies Corporation  
180 Forest Hill Drive  
Syracuse, New York 13206  
Phone: 315-432-1917  
FAX: 315-432-5627  
E-Mail: TDNYTECH@MSN.com

## New York Technologies

PROJECT: HILTON GARDEN INN – AUBURN, NEW YORK

### TABLE OF CONTENTS

Building Pressure Report..... 1 page

#### Notes:

The data presented in this report is a record of system measurements and final adjustments that have been obtained in accordance with the current edition of the NEBB Procedural Standards for Testing, Adjusting, and Balancing of Environmental Systems. Any variances from design quantities, which exceed NEBB tolerances, are noted in the Test-Adjust-Balance Report.



SYSTEM: FIRST FLOOR

TEST APPARATUS: SHORTRIDGE ADM MODEL # 850

REMARKS: These are all 1st floor area's measured with reference to the outside, all are positive to the outside, that is air is flowing out of the building.  
\* Measured in inches water column, with a Shortridge air data meter.  
Building conditions: All HVAC equipment on.

READINGS BY: AL RENAUD

# AUBURN COMMUNITY HOTEL, LP

## HVAC INSPECTION AND CERTIFICATION FORM

Inspector Name: \_\_\_\_\_ Weather Conditions: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Temperature: \_\_\_\_\_

Time of Inspection: \_\_\_\_\_ Inspector: \_\_\_\_\_

Type of Inspection: weekly \_\_\_\_\_ annual \_\_\_\_\_

Test Apparatus: \_\_\_\_\_

Area/Rm# Served	OUTLET				PRELIMINARY				ROOM PRESSURE		REMARKS
	NO	TYPE	SIZE	AK	CFM	CFM	CFM	CFM	DIFFERENTIAL		

Remarks:

Certifiers Seal (annual inspection only):

**AUBURN COMMUNITY HOTEL, LP**  
**PAVED AND CONCRETE SURFACES INSPECTION FORM**

Inspector Name: \_\_\_\_\_ Weather Conditions: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Temperature: \_\_\_\_\_

Time of Inspection: \_\_\_\_\_ Inspector: \_\_\_\_\_

Type of Inspection: semi-annual \_\_\_\_\_

Area	Condition	Action	Remarks

Signature of Inspector: \_\_\_\_\_