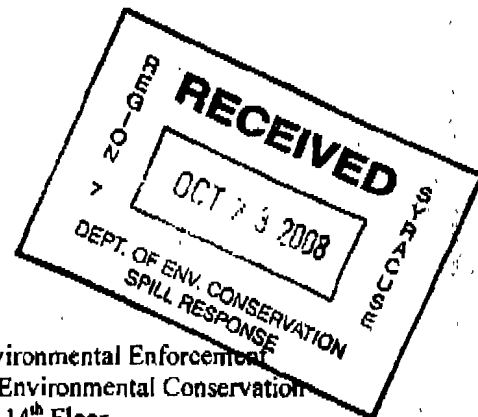


Gilberti Stinziano Heintz & Smith, P.C.
ATTORNEYS AND COUNSELORS AT LAW

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Telephone: (315) 442-0100
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E-mail: emailroom@gilbertilaw.com

October 22, 2008



Via US Certified Mail

Bureau Chief or Regional Hazardous
Waste Remediation Engineer
Supervising Project Manager
Environmental Remediation
Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Division of Environmental Enforcement
Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-5500

Mr. Gary Litwin
Bureau of Environmental Exposure
Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, New York 12180-2216

Ms. Karen Cahill
New York State Department of Environmental
Conservation
Region 7 Headquarters
615 Erie Boulevard West
Syracuse, NY 13204-2400

**Re: Certificate of Mailing - Phase I Site Remedial Investigation Work Plan Fact
Sheet - Destiny USA Development, LLC - Brownfield Site Cleanup**

Dear Sir or Madam:

Enclosed please find a Certificate of Mailing for the Destiny USA Development, LLC Brownfield Site Cleanup Phase I Site Remedial Investigation Work Plan Fact Sheet dated October 20, 2008. Its attachments include the October 2008 Phase I Remedial Investigation Work Plan Fact Sheet, and the Brownfield Site Contact mailing list of persons to which a copy of the Fact Sheet was mailed to on October 17, 2008

If you have any questions, please contact me directly at (315) 442-0174.

Very truly yours,

GILBERTI STINZIANO HEINTZ & SMITH, P.C.


Jean Swanger
Paralegal

Enc.

F:\ENV\PYRA\2550104\Consent\DEC-Cert Mail Phase I RIWP Fact Sheet-jls-003.doc

885 Third Avenue ~ Suite 2730 ~ New York, New York 10022-4834 ~ Telephone: (212) 588-8868 ~ Telefax: (212) 588-8894

111 Washington Avenue ~ Suite 600 ~ Albany, New York 12210 ~ Telephone: (518) 476-2001 ~ Telefax: (518) 476-9646

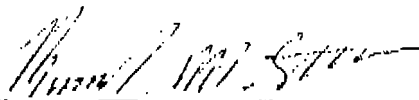
11 State Street ~ Pittsford, New York 14534 ~ Telephone: (585) 899-6030 ~ Telefax: (585) 383-6357

Project Name: Brownfield Cleanup Program Phase I Site, Destiny USA, Syracuse, New York

CERTIFICATION OF MAILING

I certify that I mailed on October 17, 2008 a copy of the attached Brownfield Cleanup Program Phase I Site Remedial Investigation Work Plan Fact Sheet by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at the intersection of Townsend Street and East Fayette Street in the City of Syracuse, New York, which box is under the exclusive care and custody of the United States Post Office Department:

Signature



Date

10/20/08



ENVIRONMENTAL GROUP, INC.
ENGINEERING, ARCHITECTURE AND SURVEYING, PC

SEP 16 2008

VIA HAND DELIVERY

Bureau Chief or Regional Hazardous
Waste Remediation Engineer
Supervising Project Manager
Environmental Remediation
Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Division of Environmental Enforcement
Department of Environmental Conservation
625 Broadway, 14th Floor
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Mr. Gary Litwin
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Flanigan Square
547 River Street
Troy, New York 12180-2216

Ms. Karen Cahill
New York State Department of Environmental
Conservation
Region 7 Headquarters
615 Erie Boulevard West
Syracuse, NY 13204-2400

Re: Destiny - Brownfield Site Cleanup - Phase I Site

Dear Sir or Madame:

We are the environmental consultant for Destiny and submit herewith the Phase I Remedial Investigation Work Plan, pursuant to the New York State Brownfield Cleanup Program requirements, including those set forth at ECL section 27-1417 et seq. and 6 NYCRR section 375-1.10 et seq.

With this letter are three hard copies (one unbound) and an electronic CD copy for the Department's review. Concurrently, we are submitting two hard copies to the Department of Health and one copy to the Division of Environmental Enforcement for review. The required Phase I Fact Sheet and Phase I Citizen Participation Plan accompany this report. We look forward to the Department's response and input.

Very truly yours,
SPECTRA ENGINEERING, ARCHITECTURE
AND SURVEYING, P.C.

Matthew G. Root
Deputy Director Environmental Remediation

Enclosures

cc w/ enc.: Bruce Kenan, Destiny
Gregory D. Faucher, Esq., Gilberti Law Offices-Albany
William J. Gilberti, Esq., Gilberti Law Offices-Syracuse

MGR/em

G:\2006\06448\Reports\Remedial Investigation Plan\RIWP cover tr final 091608.doc

ONE CIVIC CENTER PLAZA, SUITE 401
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New York State Department of Environmental Conservation

FACT SHEET**Brownfield Cleanup
Program****Brownfield Cleanup
Program- Phase I Site
Destiny USA
Syracuse, NY****October 2008****Phase I Remedial Investigation Work Plan
Available for Public Comment**

The New York State Department of Environmental Conservation ("NYSDEC") requests public comments as it reviews a draft work plan to investigate the real property shown on Figure 1 ("Phase I Site"), in connection with the first phase of the Destiny USA project located in the City of Syracuse, Onondaga County, New York. The draft Phase I Remedial Investigation Work Plan ("Phase I RIWP") was submitted by Destiny USA Development, LLC ("Destiny") under New York's Brownfield Cleanup Program ("BCP"). This Phase I RIWP applies to Phase I Site, in connection with the first phase of the Destiny USA project located in Syracuse, New York (Figure 1). The first phase includes an 800,000+ square foot building expansion of the existing Carousel Center. The Phase I Site consists of the building expansion footprint for the first phase as shown on Figure 1. The Phase I Site is located within the overall boundaries of the Destiny Site ("Destiny Site"), as shown on Figure 2.

New York's BCP encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing and business. A brownfield is any real property that complicates reuse or redevelopment because of the presence or potential presence of contamination.

The application proposes that the Destiny Site will be used as a unique development that will transform a previously underutilized group of properties into a major research, retail, entertainment, dining, hospitality, and tourism venue.

Public Comments About the Draft Phase I Remedial Investigation Work Plan

NYSDEC and Destiny are accepting written public comments about the draft Phase I RIWP for 30 days, from October 20, 2008 to November 18, 2008. The draft Phase I RIWP is available for public review at the document repository identified in this fact sheet.

Written comments should be submitted to both:

Destiny USA Development, LLC c/o
William J. Gilberti Jr., Esq.
555 East Genesee Street
Syracuse, New York 13202

and,

Bureau Chief or Regional Hazardous Waste Remediation Engineer
Supervising Project Manager

Environmental Remediation
Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

Background

The Destiny Site consists of approximately 152 acres at the southeast end of Onondaga Lake (Figure 1). The Destiny Site is bounded by: Onondaga Lake, Conrail tracks and Harborside Drive, to the northwest; Interstate 81 (I-81) to the north and northeast; Bear Street on the south and southeast; and the New York State Barge Canal to the south and southwest.

The Phase I Site is located in a former area of extensive natural shoreline and lowland deposits consisting of marl (a naturally occurring deposit of clay, calcium, carbonate, and shell fragments), and organic vegetation including roots, wood, and peat. Prior to modern-day development, the general area was known for its extensive salt marshes and spring deposits that were mined for the salt content.

In the early 1900s, the Solvay Process Company brought the "Solvay Process" for generating Soda Ash (Sodium Carbonate) to the United States from Germany. The Company settled in Syracuse and commenced operation in or about 1907. The Solvay Process generated large quantities of waste materials, including Calcium Carbonate, Calcium Oxide, and Calcium Chloride. These wastes are generally characterized as being white to grey, relatively soft, clayey or "tooth paste-like" material. Areas were needed for the disposal of such waste materials, thus available areas of unoccupied land at the Solvay plant and on vacant land located throughout the south end of Onondaga Lake were utilized for such disposal. These disposal areas included a large portion of the area between Onondaga Lake and West Hlawatha Boulevard (current Carousel Area), including the Phase I Site. Throughout the first half of the 1900s, additional miscellaneous fill, including more Solvay waste and, most likely, various construction and demolition debris (C&D) waste, was deposited on and in the vicinity of the Phase I Site. Similar activities, excluding the additional deposition of Solvay wastes, continued from the 1930s to the 1980s. A portion of the former Marley Property was reportedly (Haley & Aldridge, 2002) used as a salvage yard for scrap metal. The salvage yard on the former Marley Property, which overlaps the Phase I Site, operated from the late 1930s up to the construction of the Carousel Center (Dunn, 1988).

From the 1940s to the 1980s, a five acre parcel of land at the south-central end of the Marley Property, known as the Clark (Clark Concrete Co.) Property, was used as a concrete batch plant for local construction projects. A DOT field station was also formerly located on this property. The Former Clark property is immediately adjacent to the Phase I Site. In or about 1987, the Clark Property was found to be contaminated with chlorinated and non-chlorinated hydrocarbons, including solvents. As a result, the Clark Property was listed on NYSDEC's Registry of Inactive Hazardous Waste Disposal Sites, as a Class 2 Site (significant threat to the public health or environment-action required) in April of 1989.

Major oil storage facilities were located on and immediately south of the Phase I Site. These facilities were owned by Amerada Hess and Buckeye Petroleum. These facilities were part of a large petroleum storage complex at the south end of Onondaga Lake known as Oil City.

A more complete site history, as well as results of environmental studies of the Phase I Site, will be provided in the Phase I RIWP, which will be made available for public review.

Highlights of the Proposed Remedial Investigation

The remedial investigation of the Phase I Site has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater, soil vapor and any other impacted media at the Phase I Site;

- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Phase I Remedial Work Plan to address the contamination at the Phase I Site.

The investigation will be performed by Destiny with oversight of NYSDEC and the New York State Department of Health (NYSDOH).

Environmental conditions known to currently exist on the Phase I Site include:

The Phase I Site is located in the southeast portion of Carousel Center, between the existing Carousel Center building and West Hiawatha Boulevard. Site work has commenced on the first phase of the Destiny project. Prior to such site work, the Phase I Site consisted of surface parking lots and associated driveway areas for Carousel Center. Prior to that (i.e. pre-1989), a portion of each of the following uses was located in the area of the Phase I Site: Marley Scrapyard, Buckeye Petroleum Tank Farm and Amerada Hess Petroleum Tank Farm. In connection with the construction of Carousel Center, extensive soils and groundwater testing revealed contamination within the meaning of the BCP at the Phase I Site. This contamination includes, without limitation, Solvay waste, metals, PCBs, volatile and semi-volatile organic compounds. Because such soils remained on the Carousel Center site subsequent to construction and were capped by the surface parking and related areas as required by NYSDEC, it is known that such contamination continues to exist in the Phase I Site. As a result of these prior industrial operations, extensive environmental investigations were conducted in connection with the development and construction of Carousel Center. These investigations produced significant environmental data regarding the soil and groundwater contamination at the Carousel Center site. The results of prior sampling indicate that numerous contaminants including metals, PCBs, Solvay Waste, volatile organic compounds and semi-volatile organic compounds are present in the soils throughout the Carousel Center site, including the Phase I Site. During construction of the Carousel Center, contaminated soils were graded and spread throughout the Carousel Center site. As a result, contaminated soils exist on the Phase I Site. The contamination levels exceed soil cleanup objective and regulatory standards established in 6 NYCRR Parts 375 (soil) and 703 (ground water).

The following investigative activities are proposed:

- Investigation of soil conditions at the Phase I Site through the installation of 21 soil borings;
- Investigation of groundwater conditions upgradient of the Phase I Site through the installation of two monitoring wells and sampling of one existing monitoring well to evaluate previously detected ground water contamination; and
- Investigation of soil vapor at the Phase I Site through the installation of six soil vapor points to evaluate soil vapors up-gradient to the Phase I Site.

Next Steps

NYSDEC will consider public comment during its review and approval of the Phase I RIWP and may make changes to the Phase I RIWP based on public input. Other statutory recipients have the opportunity to review and comment on the draft Phase I RIWP. The final Phase I RIWP will be placed in the document repository. Completion of the Phase I RIWP is subject to weather conditions and obtaining site access in addition to approval. It is estimated that the investigation and reporting described in the Phase I RIWP will take between 4-5 weeks.

The applicant will develop a Phase I Remedial Investigation Report that summarizes the results of the remedial investigation.

The public will be kept informed during the investigation, and remediation of the Phase I Site.

FOR MORE INFORMATION

Document Repository

A Document repository has been established to help the public to review important project documents. These documents include, to date, the Citizen Participation Plan, and the application to participate in the BCP accepted by NYSDEC:

Robert P. Kinchen Central Library
The Galleries of Syracuse
447 South Salina Street
Syracuse, New York 13204-2494
Telephone: (315) 435-1900
Email: reference@onlib.org

Who to Contact

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

Bureau Chief or Regional Hazardous Waste Remediation Engineer
Supervising Project Manager
Environmental Remediation
Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, New York 12180-2216

For more information about NYSDEC's brownfield program, visit:
<http://www.dec.ny.gov/chemical/brownfields.html>.

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

CONTACT LIST INFORMATION**Local Officials:**

Honorable Matthew J. Driscoll
Mayor, City of Syracuse
City Hall, Room 203
233 East Washington Street
Syracuse, New York 13202-1473
Telephone: (315) 448-8005
Email: Mayor@ci.syracuse.ny.us

Honorable Joanne M. Mahoney
Onondaga County Executive
John H. Mulroy Civic Center, 14th Floor
421 Montgomery Street
Syracuse, New York 13202
Telephone: (315) 435-3516

William H. Meyer, Chair
Onondaga County Legislature
Onondaga County Courthouse, Room 407
401 Montgomery Street
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Telephone: (315) 435-2070
Email Deborah L. Maturo, Clerk at: DebbieMaturo@ongov.net

Honorable Bethaida Gonzalez, President
Syracuse Common Council
City Hall, Room 314
233 East Washington Street
Syracuse, New York 13202
Telephone: (315) 448-8466

Linda DeFinchy, Chair
Syracuse Zoning Board of Appeals
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201 East Washington Street
Syracuse, New York 13202
Telephone: (315) 448-8640

Ruben Cowart, Chair
Syracuse Planning Commission
City Hall Commons, Room 211
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Syracuse, New York 13202

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Don M. Jordan, Jr., Director
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Syracuse, New York 13202
Telephone: (315) 435-2611

Site Owners/Residents/Lessees:

Pyramid Company of Onondaga
Clinton Exchange
4 Clinton Square
Syracuse, NY 13202

Syracuse Industrial Development Agency
Clinton Exchange
2 Clinton Square
Syracuse, NY 13202

City of Syracuse
Rory A. McMahon, Corporation Counsel
300 City Hall
Syracuse, NY 13202
Telephone: (315) 448-8400

New York State Canal Corporation
Steven Eidt, Division Engineer, Syracuse Division
Suite 250, 2nd Floor
290 Elwood Davis Road
Liverpool, NY 13088-0308
Telephone: (315) 437-2741

Carmella R. Mantello, Director
Canal Corporation Headquarters
200 Southern Boulevard
Albany, NY 12209
Telephone: (518) 436-3055

New York State Department of Transportation:
Card F. Ford, P.E., Regional Director
State Office Building
333 E. Washington St.
Syracuse, NY 13202
Telephone: (315) 428-4351

Adjacent Property Owners:

Development Assoc. Dembo
250 S. Clinton St, Ste 502
Syracuse, NY 132002
Telephone Unknown

Destiny Land Use Co. LLC
4 Clinton Square
Syracuse, NY 13202

NY Central Lines LLC
500 Water St. J910
Jacksonville, FL 32202
Telephone Unknown

Hess Realty Corporation
1 Hess Plaza
Woodbridge, NJ 07095
(732) 750-6000

People of the State of New York
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232
(518) 471-6195

New York State
451 Hiawatha Blvd. W.
Syracuse, NY 13204
Telephone Unknown

New York State
450 Hiawatha Blvd. W.
Syracuse, NY 13204
Telephone Unknown

Buckeye Pipe Line Company, LP
P.O. Box 368
5002 Buckeye Road
Emmaus, PA 18049-5347
(484) 232-4000

Belcher Co. of NY Inc.
P.O. Box 4372
Houston, TX 77210

Telephone Unknown

Public water supplier:

Michael J. Ryan, P.E., Commissioner
City of Syracuse Water Department
101 North Beech Street
Syracuse, New York 13210
Telephone: (315) 473-2609

Local news media:

The Post Standard
Clinton Square
P.O. Box 4915
Syracuse, New York 13221-4915
Telephone: (315) 470-0011

WSTM/WSTQ - NBC 3
1030 James Street
Syracuse, New York 13203
Telephone: (315) 477-9400

WTVH - CBS 5
980 James Street
Syracuse, New York 13203
Telephone: (315) 425-5555

WSYR Channel 9
5904 Bridge Street
East Syracuse, New York 13057
Telephone: (315) 446-9999
Newsroom: (315) 446-3333

News 10 Now
815 Erie Boulevard East
Syracuse, New York 13210
Telephone: (315) 234-0640

WSYT Fox 68
1000 James Street
Syracuse, New York 13203
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WLTJ - FM - LITE ROCK 105.9

WNTQ - 93Q

1064 James Street

Syracuse, New York 13203

Telephone: (315) 472-0200

No Person Has Requested to be Placed on the Contact ListThere is no School or Daycare Facility Located on or Near the SiteA document repository for the project is located at:

Robert P. Kinchen Central Library

The Galleries of Syracuse

447 South Salina Street

Syracuse, New York 13204-2494

Telephone: (315) 435-1900

Email: reference@onlib.org



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FROM Karen Kaufmann

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