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**ATTORNEYS AND COUNSELORS AT LAW**

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MAY 11 2009

May 11, 2009

***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, 14<sup>th</sup> 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 Report  
Reformatted Fact Sheet - Destiny USA Development, LLC - Brownfield Site  
Cleanup***

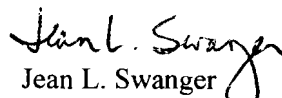
Dear Sir or Madam:

Enclosed please find a Certificate of Mailing for the Destiny USA Development, LLC Brownfield Site Cleanup Phase I Site Remedial Investigation Report Reformatted Fact Sheet dated April, 2009 and accompanying cover letter. Its attachments include the April 2009 Phase I Remedial Investigation Report Reformatted Fact Sheet and cover letter, and the Brownfield Site Contact mailing list of persons to which a copy of the Fact Sheet was mailed to on May 7, 2009

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

Very truly yours,

GILBERTI STINZIANO HEINTZ & SMITH, P.C.

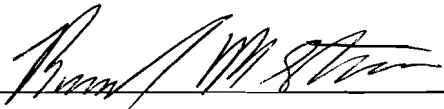
  
Jean L. Swanger  
Paralegal

Enc.

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

### CERTIFICATION OF MAILING

I certify that I mailed on May 7, 2009 a copy of the attached cover letter and Brownfield Cleanup Program Phase I Site Remedial Investigation Report Reformatted 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 5/11/09

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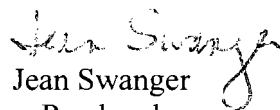
May 7, 2009

To Whom It May Concern:

On April 24, 2009, a Fact Sheet entitled "Phase I Remedial Investigation Report Under Review; Report Recommends Cleanup of Brownfield Site Contamination" regarding the Destiny USA project Brownfield Cleanup Program at the Phase I Site was mailed to you ("Initial Fact Sheet"). Since that date the Initial Fact Sheet has been reformatted by removing the DEC header generally required on Brownfield fact sheets and substituting a different header ("Reformatted Fact Sheet"). In all other respects, the contents of the Reformatted Fact Sheet remain the same as the Initial Fact Sheet.

Accordingly, please substitute the enclosed Reformatted Fact Sheet, effective as of April 24, 2009, for the Initial Fact Sheet.

Very Truly Yours

  
Jean Swanger  
Paralegal

# FACT SHEET

## Prepared and Submitted By Destiny USA Brownfield Cleanup Program – Phase I Site

**Brownfield Cleanup  
Program- Phase I Site  
Destiny USA  
Syracuse, NY**

**April 2009**

### **Phase I Remedial Investigation Report Under Review; Report Recommends Cleanup of Brownfield Site Contamination**

An investigation has been completed for 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, under New York's Brownfield Cleanup Program ("BCP"). This Phase I Remedial Investigation Report ("Phase I RIR") was submitted by Destiny USA Development, LLC ("Destiny" or "Applicant") under the BCP. This Phase I RIR applies to the 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 where the presence or potential presence of contamination may complicate reuse or redevelopment.

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

Destiny has submitted a Phase I RIR to the New York State Department of Environmental Conservation ("NYSDEC") that describes the results of the investigation of the Phase I Site and recommends action to address contamination.

NYSDEC is currently reviewing the Phase I RIR. The Phase I RIR is available at the document repository created for the Phase I Site; the address is provided below under "Location of Reports and Information – Document Repository."

### **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 Hiawatha 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, were provided in the Phase I RIWP and are also included in the Phase I RIR, which are available for public review.

### **Highlights of the Phase I Remedial Investigation Report**

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

- 1) Describe the investigation activities completed;
- 2) Describe the nature and extent of contamination at the Phase I Site;
- 3) Provide information about off-site contamination issues, and
- 4) Recommend whether the Applicant believes that cleanup of contamination associated with the Phase I Site is required.

The following investigative activities were performed:

- Investigation of soil conditions at the Phase I Site through the installation of 20 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 building footprint.

#### Phase I Remedial Investigation findings and recommendations:

- **Soil** - Soil investigation activities confirmed existing and anticipated contamination on the Phase I Site associated with the historic activities. Contamination was confirmed in the surface and subsurface soils in several samples on the Phase I Site. Contaminants in soils include metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and polychlorinated biphenyls (PCBs) at concentrations exceeding the regulatory standards. Based on the historical and Phase I Remedial Investigation ("Phase I RI") analytical test results it is recommended that, during construction activities, all soils must be characterized to identify material handling requirements and for material reuse, handling and/or waste disposal requirements and be managed in accordance with federal, state and local regulations.
- **Groundwater** - Groundwater investigation activities confirmed existing and anticipated contamination on the Phase I Site associated with the historic activities. Contamination was confirmed in groundwater from two monitoring wells on the Phase I Site and one monitoring well down gradient of the Phase I Site. Contaminants in groundwater include metals, VOCs, and SVOCs at concentrations exceeding the regulatory standards. Based on the Phase I RI groundwater analytical test results it was recommended that any groundwater handled during construction activities, (e.g. during dewatering activities), should be handled as being impacted with petroleum and metals. Accordingly, groundwater will require disposal in accordance with federal, state and local regulations. The existing Amerada Hess groundwater collection system should be maintained and operated in accordance with applicable federal, state and local regulations to control and treat groundwater that leaves the Phase I Site.
- **Soil Vapor** - Soil vapor investigation activities confirmed volatile organic compounds, including trichloroethene (TCE), at concentrations exceeding background values published by the New York State Department of Health. Based on these soil vapor results, the following recommendations were made: continue implementation of the Community Air Monitoring Plan during Remedial Activities and any future soil disturbances, take precautionary mitigation measures to control exposure to soil vapors, and design and install a vapor barrier and vapor extraction system prior to building slab construction to control potential vapor intrusion into the site building.
- A Phase I Remedial Work Plan ("Phase I RWP"), including an alternatives analysis, should be prepared to address the general recommendations provided above. The Phase I RWP shall also consider the proposed future use for the property and specific site development and construction plans.

#### Next Steps

NYSDEC will have the opportunity to review and approve and make any necessary revisions to the Phase I RIR. The final Phase I RIR will be placed in the document repository (See below for location). The Applicant may then develop a Remedial Work Plan, officially called a "Phase I Remedial Work Plan". This plan describe how the Applicant would address the contamination related to the Site. When the Applicant submits a draft Phase I RWP for approval, the availability of the draft plan for public review will be announced.

The public will be kept informed throughout the process.

#### FOR MORE INFORMATION

### **Location of Reports and Information - Document Repository**

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

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](mailto:reference@onlib.org)

### **Who to Contact**

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

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

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](mailto:Mayor@ci.syracuse.ny.us)

Honorable Joanne M. Mahoney  
Onondaga County Executive  
John H. Mulroy Civic Center, 14<sup>th</sup> 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  
Syracuse, New York 13202  
Telephone: (315) 435-2070  
Email Deborah L. Maturo, Clerk at: [DebbieMaturo@ongov.net](mailto: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  
City Hall Commons, Room 212  
201 East Washington Street  
Syracuse, New York 13202  
Telephone: (315) 448-8640



Ruben Cowart, Chair  
Syracuse Planning Commission  
City Hall Commons, Room 211  
201 East Washington Street  
Syracuse, New York 13202  
Telephone: (315) 448-8640

Don M. Jordan, Jr., Director  
Syracuse-Onondaga County Planning Agency  
John H. Mulroy Civic Center, 11<sup>th</sup> Floor  
421 Montgomery Street  
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  
233 East Washington Street  
312 City Hall  
Syracuse, NY 13202  
Telephone: (315) 448-8100

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

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  
Telephone: (315) 472-6800

Radio Stations

WAQX – FM – 95X

WLTI – 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 List

There is no School or Daycare Facility Located on or Near the Site

A 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](mailto:reference@onlib.org)