

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

555 East Genesee Street  
Syracuse, New York 13202-2159  
Telephone: (315) 442-0100  
Telefax: (315) 442-0106  
E-mail: emailroom@gilbertilaw.com

October 25, 2011

***Via US Certified Mail***

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

**Re:     *Certificate of Mailing – Phase I Site Final Engineering Report Fact Sheet -  
Destiny USA - Brownfield Site Cleanup***

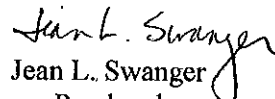
Dear Ms. Cahill:

Enclosed please find a Certificate of Mailing for the Destiny USA Holdings, LLC Brownfield Site Cleanup Phase I Site Final Engineering Report Fact Sheet dated October, 2011. Its attachments include the October 2011 Phase I Final Engineering Report Fact Sheet and the Brownfield Site Contact mailing list of persons to which a copy of the Fact Sheet was mailed on October 24, 2011.

If you have any questions, please contact me at (315) 442-0100.

Very truly yours,

GILBERTI STINZIANO HEINTZ & SMITH, P.C.

  
Jean L. Swanger  
Paralegal

Enc.


CC:             Steven Bates, NYSDOH (electronic copy only) (smb02@health.state.ny.us)

CERTIFICATION OF MAILING

**Project Name:**

**Brownfield Cleanup Program Phase I Site,  
Destiny USA, Syracuse, New York  
BCP Site Number C734104**

I certify that I mailed on October 24, 2011 a copy of the attached Brownfield Cleanup Program - Phase I Site Final Engineering Report 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 10/25/11



# FACT SHEET

## Brownfield Cleanup Program

Receive Site Fact Sheets by **Email**. See “For More Information” to Learn How.

**Brownfield Cleanup Program- Phase I Site**  
**Site 734104**  
**Destiny USA**  
**Syracuse, NY**

**October 2011**

### **Cleanup Action Completed at Brownfield Site; Final Engineering Report Under Review**

Action has been completed to address contamination related to Oil City/Carousel Center Phase I Site (“Phase I Site”) located at 306 Hiawatha Boulevard West, City of Syracuse, Onondaga County, New York, under New York’s Brownfield Cleanup Program. See attached Figure 1 for site location.

Destiny USA Holdings, LLC (“Destiny” or “applicant”) has completed the activities and has submitted to the New York State Department of Environmental Conservation (NYSDEC) a Phase I Final Engineering Report (“Phase I FER”), which is under review. The Phase I FER states that cleanup requirements have been achieved to fully protect public health and the environment for the proposed site use.

#### **Highlights of the Final Engineering Report**

The Final Engineering Report has several goals:

- 1) describe the cleanup activities completed
- 2) certify that cleanup requirements have been achieved or will be achieved for the site
- 3) describe any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier
- 4) certify that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

**Brownfield Cleanup Program:** New York’s Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:  
[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

Remedial actions at the site were completed from November 2007 through May 2009 and consisted of:

- Excavation of 88,000 cubic yard of soil from the Phase I Site;
- Installation of a cover system consisting

of a minimum layer of 4 inches of clean sand and a 15-inch concrete cap over the entire site; and

- Installation of a vapor barrier and subslab depressurization system (SSDS) below the entire site (i.e. building footprint).

These remedial actions are fully protective of public health and the environment by limiting exposure to remaining site soils contaminated with primarily petroleum products, heavy metals, and PCBs; and minimizing potential exposure to soil vapor contaminated with trichloroethene (TCE). A Phase I Site Management Plan (SMP) is also under review by the NYSDEC and Institutional/Engineering Controls have been implemented that are appropriately protective to enable the Phase I Site to be used for commercial and industrial uses as those terms are defined in 6 NYCRR 375-1.8(g).

Institutional controls for the site include imposition of an Environmental Easement for the property which requires Destiny to complete and submit to the NYSDEC periodic certification of the institutional and engineering controls, allows the use and development of the property for commercial and industrial uses subject to local zoning laws, restricts groundwater as a source of potable or process water without necessary treatment, and requires compliance with the NYSDEC-approved SMP.

Engineering controls for the site include the soil cap, vapor barrier, and SSDS as described above.

The Phase I SMP includes an Engineering and Institutional Control Plan that describes the controls in detail and provides requirements for inspections and notifications to ensure the engineering controls are operating properly and that the institutional controls are in place. The Phase I SMP also includes an Excavation Work Plan, related Health and Safety Plan, and a Community Air Monitoring Plan providing requirements to be followed if excavation occurs in the future at the Phase I Site. A Site Monitoring Plan including soil vapor sampling requirements, and an Operation and Maintenance Plan describing operation, inspection, and maintenance of the site cover system and vapor barrier/SSDS is also provided.

### **Next Steps**

NYSDEC will complete its review, revise the Final Engineering Report as necessary, and approve the report. The approved Final Engineering Report will be made available to the public (see “Where to Find Information” below). NYSDEC then will issue a Certificate of Completion to the applicant.

The Certificate of Completion provides that the applicant:

- would have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- would be eligible for tax credits to offset the costs of performing clean-up activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

A fact sheet will be sent to the site contact list when NYSDEC issues a Certificate of Completion to the applicant.

### **Background**

NYSDEC previously accepted an application from the applicant to participate in the Brownfield Cleanup Program. The application states that the area where the Destiny Brownfield site is located will be a resort/tourist destination, incorporating a mix of commercial, entertainment and tourism related uses.

The application consisted of approximately 152 (now approximately 134.67) acres at the southeast end of Onondaga Lake which is generally 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. It was requested, and the Department approved, the management of the +/- 134.67 acres pursuant to nine separate Brownfield Cleanup Agreements.

This Fact Sheet applies to Phase I Site, in connection with the first phase of the Destiny USA project located in Syracuse, New York (Figure 1). The Phase I Site, which is approximately 10.2 acres, is located in an existing commercial and industrial area, in what is generally an urban area. The Phase I Site is located within the overall boundaries of the Destiny Project Area, as shown on Figure 2.

Land uses surrounding the Phase I Site consist of business districts and mixed residential property to the north and east. Vacant land abuts the property to the south-southeast. The Onondaga County Metropolitan Sewage Treatment Plant is located across the Barge Canal to the south-southwest. The first phase includes an 800,000+ square foot building expansion of the existing Carousel Center. This Phase I Site is located in the southeast portion of Carousel Center, between the existing Carousel Center building and West Hiawatha Boulevard.

Construction work has commenced on the first phase of the Destiny project at the Phase I Site. Prior to that, 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 Site: Marley Scrapyard, Buckeye Petroleum Tank Farm and Amerada Hess Petroleum Tank Farm.

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 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, and 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 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.

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, is available in the prior work plans and reports prepared in relation to the Phase I Site, which are available at the location provided below.

## **FOR MORE INFORMATION**

### **Location of Reports and Information**

Project documents are available at the following location to help the public stay informed.

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:

Project Related Questions

Karen Cahill  
NYSDEC Project Manager  
NYSDEC Region 7  
Division of Environmental Remediation  
615 Erie Boulevard West  
Syracuse, NY 13204  
Phone - (315) 426-7432  
E-Mail: [kacahill@gw.dec.state.ny.us](mailto:kacahill@gw.dec.state.ny.us)

Project-Related Health Questions

Mark Sergott  
NYSDOH Project Manager  
New York State Dept. of Health  
Bureau of Environmental Exposure  
Investigation  
Flanigan Square  
547 River Street  
Troy, New York 12180-2216  
(518) 402-7860 or (800) 458-1158 (select  
option 6)  
[bee@health.state.ny.us](mailto:bee@health.state.ny.us)

**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.**

**Receive Site Fact Sheets by Email**

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: [www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html) . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

**Note:** Please disregard if you already have signed up and received this fact sheet electronically.

## **SITE CONTACT LIST**

### **Local Officials:**

Honorable Stephanie A. Miner  
Mayor, City of Syracuse  
City Hall, Room 203  
233 East Washington Street  
Syracuse, NY 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, NY 13202  
Telephone: (315) 435-3516  
Email: [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)

James M. Rhinehart, Chair  
Onondaga County Legislature  
Onondaga County Courthouse, Room 407  
401 Montgomery Street  
Syracuse, NY 13202  
Telephone: (315) 435-2070  
Email: [rhinehartjim@aol.com](mailto:rhinehartjim@aol.com)

Honorable Van B. Robinson, President  
Syracuse Common Council  
City Hall, Room 314  
233 East Washington Street  
Syracuse, NY 13202  
Telephone: (315) 448-8466  
Email: [vrobinson@ci.syracuse.ny.us](mailto:vrobinson@ci.syracuse.ny.us)

John P. Copanas  
City Clerk  
231 City Hall  
233 East Washington Street  
Syracuse, NY 13202  
Phone: (315) 448-8216  
Email: [jcopanas@ci.syracuse.ny.us](mailto:jcopanas@ci.syracuse.ny.us)



Debra Maturo  
Clerk of the Legislature  
401 Montgomery St.  
Syracuse, NY 13202  
Telephone: (315) 448-8466  
Email: [DebbieMaturo@ongov.net](mailto:DebbieMaturo@ongov.net)

Stewart Koenig, Chair  
Syracuse Zoning Board of Appeals  
City Hall Commons, Room 212  
201 East Washington Street  
Syracuse, NY 13202  
Telephone: (315) 448-8640  
Email: [zoning@ci.syracuse.ny.us](mailto:zoning@ci.syracuse.ny.us)

Peter O'Connor  
Commissioner of Public Works  
1200 Canal Street Extension  
Syracuse, NY 13210  
Phone: (315) 448-2489  
Email: [po'connor@ci.syracuse.ny.us](mailto:po'connor@ci.syracuse.ny.us)

Ruben Cowart, Chair  
Syracuse Planning Commission  
City Hall Commons, Room 211  
201 East Washington Street  
Syracuse, NY 13202  
Telephone: (315) 448-8640  
Email: [rpc1@schcnny.com](mailto:rpc1@schcnny.com)

Don M. Jordan, Jr., Director  
Syracuse-Onondaga County Planning Agency  
John H. Mulroy Civic Center, 11<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202  
Telephone: (315) 435-2611  
Email: [DonJordan@ongov.net](mailto:DonJordan@ongov.net)

Honorable Bill Magnarelli  
State Assemblyman  
Room 840  
333 East Washington St.  
Syracuse, NY 13202  
Email: [magnarw@assembly.state.ny.us](mailto:magnarw@assembly.state.ny.us)

Honorable John DeFrancisco  
State Senator  
Room 800  
333 East Washington St. Syracuse, NY 13202  
Email: [jdefranc@nysenate.gov](mailto:jdefranc@nysenate.gov)

Site Owners/Residents/Lessees:

Pyramid Company of Onondaga  
Clinton Exchange  
4 Clinton Square  
Syracuse, NY 13202  
Email: [daitken@destinyusa.com](mailto:daitken@destinyusa.com)

Syracuse Industrial Development Agency  
233 East Washington Street  
312 City Hall  
Syracuse, NY 13202  
Telephone: (315) 448-8100  
Email: [wryan@ci.syracuse.ny.us](mailto:wryan@ci.syracuse.ny.us)

City of Syracuse  
Mary Doherty, Corporation Counsel  
300 City Hall  
Syracuse, NY 13202  
Telephone: (315) 448-8400  
Email: [law@ci.syracuse.ny.us](mailto:law@ci.syracuse.ny.us)

New York State Canal Corporation  
Syracuse Division  
Suite 250, 2nd Floor  
290 Elwood Davis Road  
Liverpool, NY 13088-0308  
Telephone: (315) 437-2741  
Email: [tim.frasier@canals.ny.gov](mailto:tim.frasier@canals.ny.gov)

Brian U. Stratton, Director  
Canal Corporation Headquarters  
200 Southern Boulevard  
Albany, NY 12209  
Telephone: (518) 436-2700  
Email: [brian.stratton@canals.ny.gov](mailto:brian.stratton@canals.ny.gov)

Michael R. Fleischer, Esq.  
Executive Director  
NYS Canal Corporation  
200 Southern Boulevard  
Albany, NY 12209  
Telephone: (518) 436-3055  
Email: michael.fleischer@thruway.state.ny.us

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  
Email: cford@dot.state.ny.us

Adjacent Property Owners:

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

Destiny Land Co. LLC  
4 Clinton Square  
Syracuse, NY 13202  
Telephone: (315) 422-7000  
Email: daitken@destinyusa.com

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

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

Public water supplier:

Deborah Somers, Commissioner  
City of Syracuse Water Department  
101 North Beech Street  
Syracuse, NY 13210  
Telephone: (315) 473-2609  
Email: WaterEngineering@ci.syracuse.ny.us

Local news media:

Eagle Newspapers Main Office  
2501 James Street, Suite 100  
Syracuse, NY 13206  
Telephone: (315) 434-8889  
Email: [newsroom@cnylink.com](mailto:newsroom@cnylink.com)

Syracuse News Times  
1415 West Genesee Street  
Syracuse, NY 13204  
Telephone: (315) 422-7011  
Email: [snt@syracusenewtimes.com](mailto:snt@syracusenewtimes.com)

Scotsman Pennysavers  
PO Box 4970  
Syracuse, NY 13221  
Telephone: (315) 472-6889  
Email: [pennysaver@cnypennysaver.com](mailto:pennysaver@cnypennysaver.com)

The Post Standard  
Clinton Square  
P.O. Box 4915  
Syracuse, NY 13221-4915  
Telephone: (315) 470-0011  
Email: [citynews@syracuse.com](mailto:citynews@syracuse.com)

CNY Central - NBC 3  
1030 James Street  
Syracuse, NY 13203  
Telephone: (315) 477-9400  
Email: [news@cnycentral.com](mailto:news@cnycentral.com)

WTVH — CBS 5  
1030 James Street  
Syracuse, NY 13203  
Telephone: (315) 425-5555  
Email: [news@cnycentral.com](mailto:news@cnycentral.com)

WSYR Channel 9  
5904 Bridge Street  
East Syracuse, NY 13057  
Telephone: (315) 446-9999  
Newsroom: (315) 446-3333  
Email: [assignmentdesk@9wsyr.com](mailto:assignmentdesk@9wsyr.com)

News 10 Now  
815 Erie Boulevard  
East Syracuse, NY 13210  
Telephone: (315) 234-0640  
Email: [yournews@ynn.com](mailto:yournews@ynn.com)

WSYT Fox 68  
1000 James Street  
Syracuse, NY 13203  
Telephone: (315) 472-6800

WSTM-TV 3  
1030 James Street  
Syracuse, NY 13203  
(315) 477-9440  
Email: [news@cnycentral.com](mailto:news@cnycentral.com)

WTVH-TV 5  
980 James Street  
Syracuse NY 13203  
Email: [news@cnycentral.com](mailto:news@cnycentral.com)

Radio Stations:

Citadel Broadcasting – Syracuse Market  
1064 James Street  
Syracuse, NY 13203  
Email: [tom.mitchell@citcomm.com](mailto:tom.mitchell@citcomm.com)

WSYR-AM 570 News Radio  
500 Plum Street, Suite 100  
Syracuse, NY 13204  
Email: [wsyrnews@clearchannel.com](mailto:wsyrnews@clearchannel.com)

WAER-FM 88.3 Syracuse University  
795 Ostrom Avenue  
Syracuse, NY 13244  
Telephone: 315-443-4021  
Email: [cabolt@syr.edu](mailto:cabolt@syr.edu)

WSEN-FM 92.1/WFBL-AM 1390 Talk Radio  
8456 Smokey Hollow Road  
Baldwinsville, NY 13027  
Email: [d.wagner@lmgiradio.com](mailto:d.wagner@lmgiradio.com)

WAQX — FM — 95X  
WLTJ — FM — LITE ROCK 105.9 WNTQ — 93Q  
1064 James Street  
Syracuse, New York 13203  
Telephone: (315) 472-0200  
Email: hunter.scott@95x.com

Clear Channel Communications  
Bridgewater Place  
500 Plum Street  
Syracuse, NY 13204  
Telephone: (315) 472-9797  
Email: joeldelmonico@clearchannel.com

No Person Has Requested to be Placed on the Contact List

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